

a "green belt" area, which may be used for farming and in addition insures the permanence of the community's natural advantages. The project area is so planned that it will be possible to increase the number of dwelling units. Over 3,000 acres have already been acquired, and as of May 1, 1936, 339 laborers were employed in connection with the topographical survey work being performed. At the peak of construction approximately 3,000 workers will receive employment on the project.

I trust that you will find this information of interest.

Sincerely yours,

R. G. TUGWELL, Administrator.

#### EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair) laid before the Senate messages from the President of the United States submitting a nomination in the United States Public Health Service (and withdrawing a nomination), which was referred to the Committee on Finance.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations in order on the calendar.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask unanimous consent that nominations of postmasters on the calendar may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the post-office nominations are confirmed en bloc.

That completes the calendar.

#### RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, May 20, 1936, at 12 o'clock meridian.

#### NOMINATION

*Executive nomination received by the Senate May 19 (legislative day of May 12), 1936*

##### PUBLIC HEALTH SERVICE

Dr. Carroll E. Palmer to be passed assistant surgeon in the United States Public Health Service, to take effect from date of oath.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate May 19 (legislative day of May 12), 1936*

##### POSTMASTERS

###### CALIFORNIA

V. Betty Doheney, Hynes.

###### FLORIDA

Wendell V. Gilbert, Dade City.

Bess W. Rowell, Trenton.

###### MARYLAND

Cora E. Hopkins, Mardela Springs.

Maude Ringgold Toulson, Salisbury.

###### MASSACHUSETTS

James Leo Mack, Ashburnham.

Michael J. Moriarty, Bondsville.

Edwin C. Howe, Enfield.

John Robert Crowley, Monson.  
Alfred J. Peloquin, Southbridge.  
John J. Nolan, Spencer.  
Thomas Leo McCarron, Taunton.  
Lester J. Murphy, Wrentham.

##### NEW JERSEY

Edwin Douglas Hill, Andover.

Isaac E. Bowers, Grovesville.

Charles W. Nolan, Union City.

##### OREGON

Percy Pope Caufield, Oregon City.

##### RHODE ISLAND

James J. Martin, Newport.

Antonio Prince, Woonsocket.

#### WITHDRAWAL

*Executive nomination withdrawn from the Senate May 19 (legislative day of May 12), 1936*

##### POSTMASTER

##### NEW MEXICO

Helen B. Hickman to be postmaster at Hurley, in the State of New Mexico.

## HOUSE OF REPRESENTATIVES

TUESDAY, MAY 19, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

*O give thanks unto the Lord, all ye nations; praise Him all ye peoples; for His merciful kindness is great toward us and the truth of the Lord endureth forever.*

Gracious Lord God, we believe that the most certain and permanent fact in all the universe is that Thou art our Father. Bless us today with a large sense of Thy presence, forgiveness, and care. We pray Thee that we may be granted that loftiness of nature, that stability of character, and repose of mind and heart that the spirit of the Eternal One may have expression in us. Through Jesus Christ Our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3486. An act to repeal the act entitled "An act relating to Philippine currency reserves on deposit in the United States."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9496) entitled "An act to protect the United States against loss in the delivery through the mails of checks in payment of benefits provided for by laws administered by the Veterans' Administration."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 11687) entitled "An act to amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McKellar, Mr. Hayden, and Mr. Frazier to be the conferees on the part of the Senate.

The message also announced that the Senate had adopted the following resolution:

#### Senate Resolution 300

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM D. THOMAS, late a Representative from the State of New York.

*Resolved*, That a committee of two Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 12 o'clock meridian tomorrow.

#### ORDER OF BUSINESS

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that the three special orders of business for yesterday which we were not able to carry out may be made in order for today.

Mr. RICH. Mr. Speaker, reserving the right to object, can the gentleman from Alabama inform us when we are to take up the conference report on the Interior Department appropriation bill?

Mr. BANKHEAD. Mr. Speaker, I may state to the gentleman that I have already announced that we expect to take it up tomorrow.

Mr. RICH. How much time will the Members have to discuss the various items making up the \$63,000,000 the Senate is asking be put on this bill and which ultimately will cost the country over \$1,000,000,000?

Mr. BLANTON. The rules allow 1 hour.

Mr. RICH. That is not enough time to give to the consideration of expenditures which will ultimately reach \$1,000,000,000.

Mr. BANKHEAD. Mr. Speaker, does the gentleman want to ask a question?

Mr. RICH. If we are to have only 1 hour's discussion of the conference report, it will not be enough.

Mr. BANKHEAD. Mr. Speaker, I may say to the gentleman from Pennsylvania that I recognize there is a good deal of controversy with reference to this bill, but I feel confident the gentleman from Colorado [Mr. TAYLOR], chairman of the subcommittee having the bill in charge, will be willing to allow a reasonable amount of debate before moving the previous question on the conference report.

Mr. RICH. Does the gentleman from Alabama think 1 hour is enough time in which to consider the spending of \$1,000,000,000 of the taxpayers' money?

Mr. BANKHEAD. I may say to the gentleman from Pennsylvania probably that is not sufficient time, but it is not a matter within my discretion, because I am not acquainted with all the details included in the bill. I may say to the gentleman further that I am sure there will be no disposition to prevent adequate debate on the merits of the conference report.

Mr. RICH. We shall look forward with interest to seeing what the gentleman thinks is adequate time for debate.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the three special orders for yesterday be made in order today. Is there objection?

There was no objection.

#### CALENDAR WEDNESDAY

Mr. BANKHEAD. Mr. Speaker, in order that we may take up the conference report to which the gentleman from Pennsylvania referred, I ask unanimous consent that business in order on Calendar Wednesday may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

#### CONFERENCE REPORT—VETERANS' ADMINISTRATION

Mr. MEAD submitted a conference report on the bill (H. R. 9496) to protect the United States against loss in the delivery through the mails of checks in payment of benefits provided for by laws administered by the Veterans' Administration.

#### HUMAN RIGHTS COME FIRST UNDER NEW DEAL

Mr. WHITE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein a speech by the First Assistant Secretary of the Interior for which I have an estimate.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. WHITE. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a speech delivered by Hon. T. A. Walters, Assistant Secretary of the Interior, at the Democratic convention in Lewiston, Idaho, May 6, 1936, entitled "Human Rights Come First Under the New Deal."

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[From the Lewiston (Idaho) Morning Tribune, May 7, 1936]

HUMAN RIGHTS COME FIRST UNDER NEW DEAL, ASSERTS T. A. WALTERS—ROOSEVELT TO SWEEP NATION AGAIN, AVERS DEMOCRATIC KEYNOTER—RECOVERY BELIES CARPERS—ASSISTANT SECRETARY OF INTERIOR FLAYS OLD GUARD CRITICS IN CONVENTION ADDRESS

(The text of the speech delivered before the Democratic State convention at the Temple Theater yesterday by T. A. Walters, First Assistant Secretary of the Interior, follows:)

Madam Chairman, delegates, ladies, and gentlemen, it is no formal expression forced by the arts of polite society when I say that it is a very real pleasure for me to be with you today. The honor and preferment is one that impels my deepest gratitude, and I take this, my earliest opportunity, to greet you with praise on my lips and grace in my heart. You are delegates at a time when the Democratic Party, both in the State and in the Nation, is making history that will be looked upon with pride and admiration by those who come after us. Our chosen leaders have not only felt and interpreted the demands of the masses, the average citizen, for a new, a better, a more humane, social, and economic structure, but have had the courage, in face of determined opposition, to propose and enact into law measures designed to make those demands a living fact.

About 4 years ago at Weiser—to be more exact, on the 10th day of June 1932—as chairman of the Democratic convention convened for the purpose of electing delegates to the Chicago convention, by resolution unanimously passed, I had the pleasure of sending a message to the Honorable James A. Farley advising him that the Democratic Party of Idaho, the second State in the Union so to do, had instructed its delegates to vote for Franklin Delano Roosevelt. Today I am privileged and more than honored in being requested to deliver to you and to the Democratic Party of Idaho expressions of gratitude, faith, and good will of our beloved President, Franklin Delano Roosevelt, and I may add with the utmost sincerity, the next President of the United States.

#### MANY CHANGES WROUGHT

A great many things political, social, and economic have happened since the Weiser convention. During the autumn of 1932 the Democratic Party united as never before behind its national and State leaders. We sent to the Senate of the United States the Hon. JAMES P. POPE, of Boise, who has, by ability and earnest application, become one of the most outstanding and respected of the younger Members of that distinguished body. He has the interest of Idaho at heart and is one of the Senate's most loyal and dependable supporters of the administration. For the first time in the history of our State we elected Democrats to the lower House of Congress—the Hon. COMPTON I. WHITE and the Hon. THOMAS C. COFFIN. The latter, to the sorrow and loss of Idaho and the Nation, has gone to that "undiscovered country from whose bourne no traveler ever returns." The second district elected to succeed him another young man of exceptional ability and integrity, the Hon. D. WORTH CLARK, who has already made his influence felt in the State and Nation. Our delegation in Congress—Senator POPE, Congressmen WHITE and CLARK—work as one man in the interest of Idaho and those measures advocated by the administration. Who of you but know of the untiring efforts of Congressman WHITE in the interest of the forgotten man? The mineral resources of the State, its agricultural wealth, and reclamation are his special concern. In gracious recognition of their work and loyalty the electorate of Idaho will, with an increased majority, at the November election return both of these men to Congress.

In the State of Idaho we have been fortunate in having in our chief executive leadership of the highest order. For business ability, for devotion to the pressing duties of public office, for a sense of humane values in Government, and for courage in putting progressive ideals into practice the State owes a debt of lasting gratitude to its devoted and respected Governor, C. Ben Ross.

#### ADMINISTRATION UNDER ATTACK

We are rapidly approaching another national campaign. Already the opposition is attacking the administration's program, its ideals and conception of the duties and functions of Government. The issues will be more clearly defined than in any Presidential election for the past quarter of a century. The opposition will be composed largely of those who belong to that school of thought who believe that the rules of government should be fixed, static, and not subject to change; that the social and economic structure should be made to conform to the rules laid down by dead hands. This group refuses to recognize the Democratic doctrine that the Government's concern with and for the welfare of its citizens has grown with our complicated, mechanized civilization of the twentieth century; that the greatest good to the greatest number should be the object of Government. We believe that the problems of



Government are not only to protect the lives and property of its people—important and essential as that is—but to bring them increased happiness, contentment, and security. A static government becomes stale, inefficient, and unresponsive to the needs of an intelligent and progressive people. The application of Government must ever be in gestation.

Our forefathers formed and fashioned a Government whose very end and purpose was the happiness and prosperity of those who brought it into existence. With a new philosophy of liberty they laid its foundation with stones quarried from the mountains of eternal truth. In the birth certificate they announced: "We hold these truths to be self-evident: That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." And the man who made equality, liberty, and the pursuit of happiness mean something to 4,000,000 human beings was set upon as a radical, and defamed for contravening the Constitution.

#### AMERICA'S DEVELOPMENT

We spent a century, from the War of 1812 to the beginning of the World War of 1914, in exploiting the great natural resources of a continent so rich that we vainly imagined that they were inexhaustible. We felled the forest, broke with our plowshares the virgin sod of the Great Plains, tunneled the mountains for precious metals. We spanned the continent with ribs of steel and ran upon them fast-moving trains to carry the products of mine, forest, and farm to the consumer, or down to the sea where ships waited to carry them to the four corners of the earth. Free land on the frontier of the ever-present West helped to relax and relieve the stress of recurring depressions.

We developed our institutional life under a Constitution and a political system born of agricultural civilization where the interests of its citizens were similar and scattered along the Atlantic coast. Under these social, economic, and industrial conditions we defined liberty and established it as a controlling principle of our social and political organization and action.

With the close of the nineteenth century, the agricultural era of American civilization had largely passed away. Large-scale business, which had not entered into the picture at the time of the adoption of our political and social institutions, now dominated the commercial world. A large percentage of our population was no longer attached to the soil nor interested in it from the standpoint of making a home upon it or cultivating it as a livelihood. Tenements and apartment houses became numerous in the great centers of population. The habits and customs of our people were largely changed. Distance, as it had been known, was annihilated. Methods of communication had been transformed. Mass production dominated the industrial world.

Our entrance into the World War for a time stilled the surging demand for the application of new social, political, and industrial principles. A great patriotic wave swept the country, and all thought and effort was focused on the one purpose of winning the war. At the conclusion of the war, artificial means were used to stimulate industry in order that those who had offered themselves on behalf of the Government might be reabsorbed into the body politic. Individualism, in its largest meaning, had full sway. An old political order, entrenched at Washington, attempted in a fumbling fashion to administer a new social order. It could see only the past. Its leaders were unable to see that the economic situation was loaded with dynamite which might at any time explode. In the closing months of 1929 it exploded.

#### WHEN THE DEPRESSION HIT

Business of all kinds was prostrate. The great fundamental industry of agriculture was unable to sell its produce for a sum that would equal the cost of production. Transportation was operated at enormous loss. Banks failed on every hand. Many communities were left without a single bank. The savings of millions of our people were lost overnight. Unemployment increased, schools closed, wages were decreased. Poverty reigned where affluence existed but a few months before. We were challenged by the paradoxical situation of having so much wheat, so much flour, so much corn, so much meat that millions of our citizens were compelled to go hungry. We had so much wool, so much cotton, so much fabrics, that millions of children were under the necessity of having insufficient wearing apparel to protect them against the inclemency of the weather. We had so much lumber, so much cement, so much steel, so much building material, so many railroads and transportation facilities that human beings were compelled to live in places unfit for human habitation. A shuddering fear clinched the citizen of the street, and he stood and wondered. Many even went so far as to question the integrity of the Government itself.

With no pleasure do I recall conditions as they existed on March 4, 1933. Were it not for the fact that men's memories are short, I would not undertake to do so. You will recall that there had come into our national life an ever-expanding spirit of fear and distress. Whatever the cause, the blighting effect was appalling. Industries vied with each other in reducing personnel, in reducing wages and salaries, and in postponing every possible repair and maintenance. The army of unemployed increased with each rising sun. People were helpless and rapidly becoming hopeless. The Nation was on the verge of hysteria. Men distrusted each other and, worse yet, they distrusted their Government. There was little difference in the mental attitude of the merchant, banker, farmer, or the so-called captains of industry. The man who had money in the bank wanted to get it out before the crash came. The

owner of property wanted to sell it for cash without regard to its intrinsic value before the expected cataclysm.

A Republican administration in Washington did nothing to relieve the situation other than to advise that "prosperity was just around the corner."

#### REVOLUTION OF 1932

In the fall of 1932 we had a revolution—a truly democratic revolution—one decided by ballots and not by bullets—which resulted in giving us a President, Franklin Delano Roosevelt. With a courage seldom equaled he boldly undertook the task of restoring the Nation to a healthy and normal condition. Hope had a new birth in the hearts of men and women. They realized that courage, strength, vigor, and determination reigned in high places. From threatening, disorganized, and discouraged crowds of men and women emerged a self-reliant, courageous and optimistic nation. Under his guidance, the National Recovery Act became a law. He said, "Our citizens shall not starve." Money was made available to provide food, shelter, and raiment for the needy, most of whom, through no fault of their own, could look nowhere for needed relief but to the Federal Government. For the first time in the history of our country, human life and welfare was placed above property rights. First things were put first. Humanity was placed above things. The hungry must be fed. Profits were made subservient to service. Public works of sound social and economic value were undertaken, a portion of the cost of which will be repaid. Under the Public Works Administration hardly a city or community but which has been bettered, made more beautiful, more sanitary, a better place in which to live. The welfare of the citizen has become the concern of a great government. Was this wrong in principle? Does the Government owe no debt to its citizens? As so aptly put by my aggressive and capable superior, Secretary Ickes, "Are we merely to endure a purgatorial existence in anticipation of a beatific eternity after the grave closes on us?"

Under the conditions which existed on March 4, 1933, was there no occasion for the New Deal? Was there no occasion for the Government to meet the new social and industrial conditions which were the natural outgrowth of a century of progress? A government sensitive to the demands and needs of the governed must, if it is to be efficient, be modified in its application to meet the demands of the present and measure up to the possibilities of the future. Many of the critics of the administration now contend that recovery would have come about without the New Deal. Some, who by virtue of their integrity and capacity to see and know, admit that conditions have greatly improved but allege that it is all in spite of rather than on account of the New Deal. I admire their honesty and their ability to see but I am utterly unable to follow their reasoning. The statement that recovery would have come about without the efforts of the present administration is a statement easily made but more difficult of proof. The fact is that the New Deal came and recovery is following it. We might answer them by saying, as did one of old when his faith was challenged, and he replied: "Once I was blind, but now I can see."

#### REPUBLICANS TARGET OF COURT

The opposition, big and little, is making a great noise over the fact that the Supreme Court held the National Recovery Act unconstitutional. By the volume and heat of their criticism one might be led to the erroneous conclusion that this is the only time the Supreme Court has held an act passed by Congress and signed by a President to be in excess of constitutional authority. It should be remembered that President Coolidge had seven acts bearing his signature declared invalid. President Harding also had seven, and President Hoover had three administration acts declared by the Supreme Court to be unconstitutional.

The National Recovery Act was in effect for 2 years and in that time gave such an impetus to business as to carry us well on the road to recovery, which was the aim and purpose of the Democratic Party when it came into power. In the 2 years the National Recovery Act functioned it put hundreds of thousands of men to work, abolished child labor, cleared industry of disgraceful sweatshops, and established a code of ethics in business and rules of fair competition that not only lifted us out of the depths of depression, but created such a favorable public opinion that much of its good will be continued. It brought labor and industry into a more friendly relationship and created a better understanding of the problems of each by the other. Whatever may have been the weakness of the National Recovery Act and whatever your attitude may have been or is now relative to its being constitutional or otherwise, do not let us forget for a moment that it was the expression of a new hope, a new confidence, a new enthusiasm. Our people were beginning to come out of their lethargy. They were divesting themselves of discouragement and once more were facing the future with a feeling of security and hope. It is easy to criticize after the event has happened and to point out what might have been or could have been avoided. Regardless of any other considerations, there is no doubt but what the National Recovery Act served a great purpose. At a time when courage and hope were necessary to supplant the darkness of despair the National Recovery Act made the star of hope again shine over the unrisen morrow.

We can be proud that the Democratic Party has, and is, seeking to place the welfare of the masses above the classes—the welfare of the average citizen above individuals or groups. It has concerned itself with human life above property rights. It has announced to the world that human rights must be safeguarded and



has enacted a program of social legislation which has never been surpassed in importance or beneficial effects. The Federal Social Security Act is the most comprehensive and effective piece of social legislation ever enacted by our Government. It is the beginning of a program which will in the end secure the honest unemployed against poverty or alms and will provide the dependent aged with the comforts of life.

#### CONDITIONS THEN AND NOW

In answer to those who seriously or otherwise contend that the New Deal has failed, or, to use their own stock phrase, "that it has not primed the pump", permit me to call your attention to a few facts and figures. Let us see what the financial and industrial conditions are now as compared to what they were in March 1933. Between January 1, 1933, and January 1, 1936, industrial production advanced 51 percent; steel production advanced 257 percent; auto registration advanced 326 percent. Do not overlook the stock market, which is generally regarded as a barometer of financial and industrial conditions. It is very sensitive to any changes which affect finance or industry in any of its various phases. Stocks listed on the exchange advanced 34 percent from March 1933 to January 1936. The value of listed stocks during the same period increased more than \$20,000,000,000. Listed bonds, during the same period, advanced 22 percent. I might add for the benefit of our utility friends, who have been so worried over the effect of legislation affecting that industry, that during the same period of time power production increased about 20 percent.

Under the "old deal", during the 3 years preceding March 1933, the picture was very different. During that time cotton declined 61 percent; wheat, 59 percent; corn, 73 percent; industrial production, 44 percent; and power production (notice particularly power production) declined 9 percent. The fact is that during that period the only thing that increased was unemployment, poverty, want, and despair.

A very different picture appears before the eyes in the 3 years following March 4, 1933. Banks, insurance companies, and other financial institutions are stronger than ever. Their deposits have increased. They have gained in assets and earnings. And, above all, and more important than all, they again have the full confidence of the people. The average citizen with his earnings in the bank can now go to sleep at night without the shuddering fear that tomorrow his life's savings may be lost. Bank failures since that time have practically disappeared. Depositors in the few institutions, small and inconsequential as they were, that have failed, had their money within 24 hours after the closing notices were posted. What would the insurance of bank deposits have meant to the people of the State of Idaho or to the Nation when the banks closed their doors prior to March 4, 1933? The question answers itself.

Permit me to use a few more figures which tell more forcefully than words the story of recovery under the present national administration. In January 1933 the production of steel was 861,000 gross tons. Last month it was 3,300,000 gross tons. Of 32 important industrial corporations 22 reported deficits in 1932. Only two in 1935. The total profits of the 10 that showed returns in 1932 were \$38,000,000 for that year; in 1935 for the same corporations the total profits were \$887,000,000. One of our greatest automobile companies made a profit in 1932 of \$165,000; in 1935 it increased that profit just one thousandfold, to \$167,000,000. Another automobile company had a profit of \$34,000,000 in 1935 as against a deficit of \$11,000,000 in 1932. The combined profits of 2,010 companies showed earnings for the year 1935 of \$2,541,000,000, or an increase of 42 percent over those of 1934. Business for the first 6 months of the present year gives every indication that substantial gains in profits and volume will be shown over a similar period of last year. Do these sound like business is not getting better? Who, in the face of these facts, but those who, having eyes see not, and having ears hear not, will seriously contend that the New Deal is not succeeding?

#### IDAHO VASTLY BENEFITED

How have the policies of the administration affected Idaho? You men who tunnel mountains and wash the sands of ancient streams to rescue gold and silver from their hiding places—do you get any more for your find than you did preceding 1933? Are the products of the forest of less value? What about the income of our greatest industry, agriculture? All you men who till the soil or tend the flocks need do to answer that question is to compare the price of hogs, wheat, sheep, and cattle in 1933 with 1936.

Let us see what our State has received from some of the Federal agencies created by the present administration. The figures show that Idaho has received in rentals and benefit payments for acreage reduction and rentals under the Agricultural Adjustment Act, which aims to free glutted markets and better prices, from May 12, 1933, to January 1, 1936, the total sum of \$12,138,628.81. This sum is divided as follows:

Wheat	\$8,646,676.48
Corn-hogs	1,578,092.27
Sugar	1,913,860.06
Total	12,138,628.81

Up to January 1, 1936, there were 52 civilian conservation camps in the State, with a total enrollment of 10,400 men, and \$22,182,259 has been invested in the conservation and development of our forests and range resources. Great advancement has been made in fire protection, forest-stand improvement, development of grazing lands, erosion control, game and fish conservation, con-

trol of plant disease and the eradication of noxious weeds and pests. Through the conservation policies of the administration, made more effective by the persistent and intelligent attitude of Secretary Ickes, our country has been made soil conscious. We have been made to realize as never before that the future prosperity of our country depends largely upon the conservation of our natural resources of soil, forest, and plain by proper use and the restoration thereof.

The Farm Credit Administration, through its various agencies, made loans in the State amounting to \$48,558,829 up to February 29 of this year. These loans have lifted from the backs of many of our farmers loads which they could not bear. It has given them a chance that they otherwise would not have had. It has given them a farm and a home that would otherwise have been lost.

The Federal Emergency Relief Administration expended funds, up to January 1, 1936, in the amount of \$15,432,164. No small amount of these funds was used for the purchase of surplus crops bought to feed the destitute. This not only removed the crop and made it useful but also helped to remove an oversupply from the market which would otherwise have depressed farm prices.

The Home Owners' Loan Corporation, up to April 2 of this year, made 4,556 loans to distressed home owners amounting to the sum of \$7,946,254. These loans, together with the interest, are secured by the properties involved. Consequently, the funds so used will be repaid. These, like the farm loans, have saved the homes and firesides of a great number of our most respected citizens.

In the stimulation of employment the Public Works Administration made loans on Federal projects amounting to \$13,813,987.

#### R. F. C. BRINGS RELIEF

The Reconstruction Finance Corporation was in full swing and well equipped to aid the New Deal in an efficient fashion. Perhaps its most vital function has been the loans made to banks, both closed and solvent, first to free frozen deposits which recovered the savings of millions of people and, second, to increase the capital of open banks widening the channels of credit which will hasten recovery. The amount lent to railroads in our State cannot be accurately determined. Prior to the creation of the Federal Emergency Relief Administration the Reconstruction Finance Corporation lent money to the State to care for the needy. This and other loans will eventually be paid back. The entire amount of loans in Idaho up to September 30, 1935, exclusive of that loaned to railroads, amounts to \$11,198,562.01.

An outstanding index toward recovery in the State of Idaho has been provided by the recent release by the Bureau of Internal Revenue showing the revenue collected for the fiscal year of 1933 compared with the same period in 1935. The total revenue collected for the year 1933 was \$692,781.10, while in 1935 it was \$1,870,265.61, or an increase of 171 percent.

The banks in the city of Lewiston, one of the largest cities in the State, are largely representative of the banks in other communities. The increase in deposits marks the progress of recovery in any community. The total deposits of the banks in Lewiston for the year 1935 is \$6,601,844, an increase of \$1,185,568 over the preceding year.

The work-relief legislation has, and is, dealing the most serious blow to the depression. Administered by the President with the assistance of able advisers, it is giving impetus to business and industry. The benefits of this program are reaching every city, town, and hamlet in the broad expanse of our country. It is reflected in increased retail sales. The American people trust the wisdom of our President. The program is being administered through him impartially and sympathetically. He is earnestly alive to what its proper administration will accomplish in the way of the return of normal economic and social life.

#### BILLIONS BE REPAYED

The opponents of the administration complain of the amount of money that the Government is spending. The serious question is not the amount of money the Government is spending but what is being accomplished by it. Since March 4, 1933, through 1936, there has been an increase of the national debt of approximately \$9,000,000,000. About 50 percent or \$4,500,000,000, is merely loaned by the Government and will be returned with interest. Making the justified assumption that this \$4,500,000,000 will be returned, the Government will have actually expended during the first 4 years of the Roosevelt administration \$4,500,000,000 more than it has received. After all, \$4,500,000,000 is a small sum for the wealthiest Nation on the face of the earth. During the World War we spent more than twice that amount to send men to possible death. I am among the number who feel that we should be more eager to spend money to assist men to live than to furnish them an opportunity to die.

Confidence in the President has not been shaken, either by carping critics or a loathsome whispering campaign. The President is bringing order out of chaos and contentment out of misery. Members of the Old Guard would have you believe that he is seeking to destroy the Constitution and establish a dictatorship. When the Congress approves his recommendations and enacts them into law that body is denominated a "rubber-stamp Congress." When it amends or refuses to follow the President's recommendations then the Old Guard shouts, "The administration is turned down. The President is losing his control over Congress." My dear friends, the Constitution still exists. The administration is making the Republic a better place in which to live, a place where those who toil may be more secure in age, a place where failure of employment will not mean charity. The Government is secure.



## ELECTORATE NOT DECEIVED

The electorate of the Nation is not deceived. The strength of the administration is increasing every day. Registrations in western Pennsylvania show that it is Democratic for the first time since the Civil War. The eastern portion of the State is showing similar gains. There was an increase of 50 percent in Democratic registrations in the State of California. The recent primary in the State of Illinois showed beyond doubt that that State is overwhelmingly in favor of the President. The average man, he who constitutes the strength, power, and dignity of our Nation, has faith that the Government in Washington is being administered with him in mind. He knows that the White House is occupied by the most loyal friend the people have ever had. I believe that Idaho will not be found wanting at the November election and will, by an increased majority, assist in the reelection of Franklin Delano Roosevelt to the Presidency of the United States.

There is a Danish myth to the effect that at one time there lived in Denmark a king who, by reason of his skill and prowess and the quality of the soldiery which he had assembled, was able to overcome any nation which might throw down the gage of battle. The place of his burial was unknown. Centuries hence the then reigning king gathered around him the strong men of his kingdom and trained them in the arts of war. One day as they were digging a trench through a rock cliff, as they plunged their huge instruments of steel into the rock, to their great surprise, a voice came forth, saying, "Who are you that disturbs the ancient king of the Danes?" They replied, "We are Danes." The voice said, "Nay; you are not Danes. They would not disturb the rest of the ancient king of the Danes." Upon the soldiers reassuring the voice that they were Danes, the ancient king came forth from his resting place and inspected the soldiers. He looked with pride upon their huge physiques, strong arms and limbs, and bent their heavy bows. Whereupon he said, "Yea; you are Danes, and with the defense of Denmark in the keeping of such as you, Denmark is safe and the ancient king may lie down in peace forever."

So today, if the Father of his Country could come from his resting place at Mount Vernon and view the President of the United States, together with those who serve him in his Cabinet, he would say, "Yea; you are Americans, and with America in the keeping of such as you, America is safe and I may lie down in peace forever."

## CITY OF BUFFALO, N. Y.

Mr. BEITER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4317) to authorize the Secretary of War to grant to the city of Buffalo, N. Y., the right and privilege to occupy and use for sewage-disposal facilities part of the lands forming the pier and dikes of the Black Rock Harbor improvement at Buffalo, N. Y.

The SPEAKER. The Members will understand that this is being done with the indulgence of the three gentlemen who are entitled to recognition at this time under the special orders.

The gentleman from New York asks unanimous consent for the immediate consideration of a Senate bill which the Clerk will report.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, as I understand from the gentleman from New York, this is a unanimous report and that there is no objection to it from any source.

Mr. BEITER. In addition, we have a favorable report from the War Department which I would like to include in the Record to complete the record.

Mr. DONDERO. Mr. Speaker, reserving the right to object, and I shall not object, is this the same as the bill which came before the Committee on Rivers and Harbors regarding the question of the disposal plant, and so forth?

Mr. BEITER. Yes; the bill as amended.

Mr. MEAD. Mr. Speaker, if the gentleman will yield, I may say that I have received a telegram endorsing this proposition which I would like to have inserted in the Record. I therefore ask unanimous consent to extend my remarks at this point in the Record.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MEAD]?

There was no objection.

Mr. MEAD. Mr. Speaker, I have received the following telegram from the commissioner of parks of the city of Buffalo, endorsing H. R. 11504:

Without any qualification I am in favor of Bird Island pier bill permitting city of Buffalo or Buffalo Sewer Authority to use the pier for treatment works site. Plans of authority provide amply for beautifying property. Only 40 percent will be occupied by buildings.

FRANK A. COON,  
Commissioner of Parks, City of Buffalo.

In explanation of the bill before us, let me say that the city of Buffalo, in 1913, was granted by the United States and by the State of New York the right to use Bird Island for park purposes; this bill simply provides that this grant be extended to include its use for a sewage-disposal plant.

From the standpoint of intercepting sewers, Bird Island is the most logical spot in the city for the collection of sewage. It is directly opposite the new Michigan-Masten and Bird Avenue storm-water relief drain and is also the ideal location for the collection of sewage from the main interceptors which run along the entire river front.

If the city of Buffalo is permitted to use it, it will save several hundred thousand dollars, perhaps as much as three-quarters of a million, which should be required to purchase and put into shape any other suitable property. In addition, it will save the expense of carrying the large intercepting sewers coming from the south farther north, which would be the case if any other property was used.

So far as the collection of sewage, sedimentation, and chlorination is concerned, it has been definitely established by the engineers that, leaving out of consideration the land cost, Bird Island is the natural and economical location. The city would, therefore, save not only the cost of the land but also the cost of carrying the large intercepting sewer from the south to any other site, which must necessarily be north of Bird Island; there is nothing available south of it.

At two hearings on the subject much was said about the money which has already been spent by the city in preparing Bird Island for a park. As a matter of fact, not a dollar of that money will be wasted. No buildings have been built on it and no landscaping done. To date there has been built a retaining wall along the riverside and some grading, all of which would be necessary for our purposes, in any event.

It is also contended that this action might deprive the children of Buffalo of a playground. As a practical proposition it would take more money than Buffalo will probably have available for many years to come to develop the island into a park. The commissioner of parks at the first hearing estimated this amount to be over half a million. Two weeks later he gave a revised estimate of \$75,000. Whether or not his opinion had changed is not known, but that amount certainly would not build a retaining wall across the north and easterly sides, which now open into the river and canal.

As a matter of fact, if the public enjoyed the island after the plant is finished, about 40 percent of the land area will not be used above the surface. Structures that are placed on it above the surface will not interfere with anyone who wishes to come out there. No criticism is directed toward those who for many years have endeavored to have the island developed into a park. It has become a matter of sentiment to them, but as a practical proposition it will not be developed by the city for many years, and if it is, it will not be practical. This site is exactly what is needed for the sewage disposal plant, and its acquisition will save Buffalo a great deal of money.

In view of the above, I hope there will be no objection to the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. BEITER]?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in addition to the grant made by the Secretary of War to the city of Buffalo pursuant to the act of Congress entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved February 27, 1911, for the purpose of establishing a public park and landing facilities on that part of the structure known as Bird Island Pier on Niagara River lying north of Albany Street extended, in the city of Buffalo, N. Y., and forming a part of Black Rock Harbor improvement and the lands of the United States under water on both sides of said pier to the established harbor lines, subject to the terms, conditions, and stipulations in said grant specified, the Secretary of War is authorized to grant to the city of Buffalo, N. Y., also the right and privilege of occupying said lands and lands under water, and also the lands owned by the United States on the west side of Black Rock Canal, described as follows: Beginning at a point where the northerly line of property formerly owned by William H. Slade, or that line extended, intersects the United States Government property line (formerly New York State blue line); thence easterly



parallel to the line forming the northeasterly boundary of lands heretofore granted to the city of Buffalo by the United States and known as Bird Island Pier until a point is reached in direct prolongation of the easterly boundary line of said last-mentioned lands; thence southwesterly in direct line with said easterly boundary of said lands to the northeasterly corner of said lands heretofore conveyed to the city of Buffalo by the United States; thence westerly along the northeasterly boundary of said Bird Island Pier lands to said United States Government property line; thence northeasterly along said last-mentioned line to the place of beginning, or so much thereof as may be necessary, for use either by the city of Buffalo or by the Buffalo Sewer Authority (created by chapter 349 of the Laws of the State of New York of 1935) for sewage-disposal facilities, on such terms, conditions, and stipulations as he may deem expedient and equitable and necessary for the protection of all the interests of the United States in and to said premises: *Provided, however*, That the city of Buffalo shall have secured the sanction and consent of the State of New York through its constituted agencies.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

**TITLE OF UNITED STATES TO THE BIRD ISLAND PIER AND THE LANDS ADJACENT THERETO, FORMING PART OF THE SHIP CANAL AT BUFFALO, N. Y.—SENATE BILL 4317**

**Mr. BEITER.** Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD and to include therein a letter from the Secretary of War approving the bill just passed.

**The SPEAKER.** Is there objection to the request of the gentleman from New York?

There was no objection.

**Mr. BEITER.** Mr. Speaker, the so-called Black Rock Harbor was improved by private individuals as early as 1807. The first public work was by the State of New York under chapter 51 of the Laws of 1822 and chapter 99 of the Laws of 1923. The Bird Island Pier is a stone pier about 20 feet in width and was constructed by the State of New York under the above and subsequent legislative acts of the State. The improvement included the Bird Island Pier and a dam and lock downstream and was intended for the purpose of forming a harbor with water of a depth sufficient to accommodate boats drawing 8 feet of water. The pier was subsequently extended further up toward Lake Erie. This improvement was completed in about 1825. At various times prior to 1860 the Erie Canal was constructed and widened and improved and passes through Black Rock Harbor. A division wall was constructed separating the canal from Black Rock Harbor, and bridges were constructed across both the canal and Black Rock Harbor at Ferry Street to connect with the then existing and probable future ferries between the State of New York and the Dominion of Canada crossing Niagara River (see Annual Report of Thomas W. Symons, major, Corps of Engineers, U. S. Army, Appendix RR, Annual Report of the Chief of Engineers for 1901). The State of New York maintained the Black Rock Harbor and Erie Canal and continued to improve the same until the construction by the United States of a ship canal along the easterly shore of Niagara River and between Lake Erie and the lower Niagara River. The State of New York was the owner of the lands occupied by the Erie Canal, the Black Rock Harbor, the Bird Island Pier, and adjacent lands under the water of Niagara River.

Pursuant to chapter 373 of the Laws of 1904 of the State of New York, the State of New York, through its land board, conveyed to the United States the lands sought by the United States for the purpose of the construction of said ship canal. The act provided:

The land board is authorized to convey to the United States such lands now owned by the State under the waters of Niagara River or in the vicinity of said river in the city of Buffalo, including such lands as are now used for canal purposes in the city of Buffalo and as may be deemed by the canal board as may be required by the United States in the construction of a ship canal from Lake Erie to the foot of Squaw Island in the city of Buffalo.

The land board of the State of New York authorized the conveyance and there was conveyed to the United States by letters patent dated July 25, 1905, and recorded in the office of the clerk of the county of Erie, State of New York, in liber

1018 of deeds, at page 315, January 11, 1906. The description in the deed is under paragraphs A, B, C, D, E, F.

A. The structure known as Bird Island Pier with the strip of land owned by the State in continuation of the pier along the east shore of Squaw Island to the north end of said land near the present ship lock. (The then State ship lock was in the same location as the present United States ship lock.)

B. The partition wall between the canal and Black Rock Harbor.

C. All of the lands under Black Rock Harbor from the foot of Maryland Street extended to and including the then present ship lock, including also all of the lands owned by the State near the ship lock and within the limits of the proposed improvement (the United States ship canal).

D. The lands under the water under the Erie Canal and the tow-path from the foot of Vermont Street extended northerly to Amherst Street.

E. The right-of-way across the city trunk sewer at the foot of Albany Street and over the city water intake at the city water-works.

F. The right-of-way across and through the site of the then present bridges over the Erie Canal and the Black Rock Harbor at the foot of Ferry Street.

The deed recites:

Which lands are required by the United States in the construction of a ship canal from Lake Erie to the foot of Squaw Island.

To have and to hold the said lands and structures unto the said United States of America so long as the United States constructs and maintains said ship canal.

Subsequently the United States took possession and did construct the ship canal and the same is now in operation.

The ship canal does not occupy any part of the lands occupied by the Bird Island Pier and only a part of the lands occupied by the Black Rock Harbor. The canal extends parallel to the shore line of the river and occupies the location of the old Erie Canal, leaving a considerable space between the ship canal and the Bird Island Pier. The Bird Island Pier is parallel with the shore line and with the ship canal and lies a considerable distance landward from the harbor line of Niagara River as fixed and established by the Secretary of War. The lands under water between the Bird Island Pier and the harbor line as so established were not conveyed to the United States.

The Bird Island Pier at the time of the conveyance in 1905 to the United States was in a most dilapidated condition, the cribbing had rotted away and the action of the water had broken down the pier. Citizens of the city of Buffalo were desirous of the formation of a park outside the ship canal and instituted the activity which finally resulted in the grant or permit to the city of Buffalo by the United States.

The State of New York by chapter 350 of the laws of 1911 consented to the use of the lands in question by the city of Buffalo, as follows:

The consent of the State of New York is hereby given to the city of Buffalo to use, improve, and occupy, for the purposes of a public park and landing facilities, that part of the structure in said city known as Bird Island Pier, on Niagara River, lying north of Albany Street extended, and forming a part of the Black Rock Harbor improvement, and the lands and lands under water adjacent to said Bird Island Pier on both sides thereof to the established harbor lines.

Such grant to the city was by said act made subject to "such conditions, restrictions, and regulations as shall be prescribed for said city by the United States."

The Congress by act of February 27, 1911, being the rivers and harbors bill (vol. 36 of Statutes, p. 925, ch. 166, sec. 3, 61st Cong.) authorized the Secretary of War—

To grant to the city of Buffalo, N. Y., the right and privilege of occupying and improving and using for the purpose of establishing a public park and landing facilities the part of the structure known as Bird Island Pier on Niagara River, lying north of Albany Street extended, in said city and forming part of the Black Rock Harbor improvement, and the lands of the United States under water along both sides of said pier to the established harbor lines, on such terms, conditions, and stipulations as he may deem expedient and equitable and necessary for the protection of all the interests of the United States in and to said premises.

Pursuant to said last act of Congress and pursuant to said act of the Legislature of the State of New York (chap. 350 of the laws of 1911), the Secretary of War granted to the city of Buffalo for the purposes mentioned in said acts the Bird Island Pier from Albany Street northerly to the



end thereof at Squaw Island and the lands under waters adjacent thereto to the harbor line established for the ship canal and the harbor line established for the Niagara River. Subsequently the city of Buffalo constructed a sea wall along the river side and a like wall along the ship canal side and has filled in the lands between the two walls. The lands occupied by the city are largely on the river side of the Bird Island Pier.

The bill now before Congress provides for the consent of the United States to an additional use of the lands covered by the prior grant to the city of Buffalo for sewage disposal purposes. There is also included an additional strip of land lying along the westerly line of the ship canal, and largely adjacent to lands owned by the city of Buffalo north of the Bird Island Pier, which is now unused for any purpose and which we anticipate that in the opinion of the Secretary of War that land also may be included. The bill is in practically the same language as the act of Congress above referred to of 1911, and the grant or permit, if made, will be made subject to such conditions as the Secretary of War may wish to insert for the protection of the properties of the United States.

WAR DEPARTMENT,  
Washington, May 7, 1936.

Hon. J. J. MANSFIELD,  
Chairman, Committee on Rivers and Harbors,  
House of Representatives, Washington, D. C.

DEAR MR. MANSFIELD: Reference is made to this Department's report of April 13, 1936, on H. R. 11504, Seventy-fourth Congress, second session, entitled "A bill to authorize the Secretary of War to grant to the city of Buffalo, N. Y., the right and privilege to occupy and use for sewage-disposal facilities parts of the land forming the pier and dikes of the Black Rock Harbor improvement at Buffalo, N. Y."

That report recommended an amendment of the description and expressed the opinion that the bill merits the favorable consideration of Congress, if amended as indicated.

Congressman BEITER and representatives of the city of Buffalo recently called at this office and indicated that they desire to further amend the description of land as set forth in the bill so as to reduce the additional area of land to be occupied. A copy of the bill amended to conform to their expressed desire is herewith.

The Department is of the opinion that the bill merits the favorable consideration of Congress, if amended as indicated in red on the copy hereto attached.

The Director of the Bureau of the Budget has been consulted and states that the above report is not in conflict with the financial program of the President.

Sincerely yours,

HARRY H. WOODRING,  
Acting Secretary of War.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. DIMOND. Mr. Speaker, I ask unanimous consent that on Thursday of this week after the reading of the Journal and disposition of matters on the Speaker's table, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

Mr. PATMAN. Mr. Speaker, reserving the right to object, did I understand the gentleman to ask unanimous consent to address the House for 30 minutes?

The SPEAKER. No; his request was for 15 minutes.

Mr. PATMAN. Mr. Speaker, I shall not object to this request, but I am inclined to object to any future requests to address the House at that time. I think there is some legislation coming up for the consideration of the House at that time, and I should not like to have anything interfere with its consideration.

Mr. SNELL. Mr. Speaker, reserving the right to object, what is the legislation that is coming up on Thursday that is so important? The House has not been informed as yet.

Mr. PATMAN. I am not sure about it, but it concerns a bill I am very much interested in, and I do not want anything to get in ahead of it if I can avoid it.

Mr. SNELL. The gentleman from New York [Mr. REED] desires to submit a unanimous-consent request to address the House for a few minutes at that time.

The SPEAKER. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that on Thursday next, after the reading of the Journal, the disposition of matters on the Speaker's table, and the pending special order, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. O'CONNOR. Mr. Speaker, reserving the right to object, may I say that it is getting rather late in the session for these speeches. We are going to have a tremendous amount of work to do. Two rules have been reported, one of which if taken up on Thursday will take all day. It is an important matter. It is rarely requested at this stage of the session to address the House. We have reached a point where somebody will have to object very soon if we want to complete the business we have to do before we adjourn on the 18th of July.

Mr. SNELL. Mr. Speaker, that matter was just as important 2 minutes ago when the gentleman from Alaska asked for time as now. I especially request that the gentleman from New York may be allowed to address the House.

Mr. O'CONNOR. Mr. Speaker, I do not intend to object to the request of the gentleman from New York [Mr. REED].

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. REED]?

There was no objection.

#### FRAZIER-LEMKE MORATORIUM CONSTITUTIONAL

Mr. LEMKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a decision of the Fifth Circuit Court of Appeals sustaining the constitutionality of the farm moratorium.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

Mr. RICH. Mr. Speaker, reserving the right to object, may I inquire how much of the RECORD this will take?

Mr. LEMKE. Less than a column.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota [Mr. LEMKE]?

There was no objection.

Mr. LEMKE. Mr. Speaker, since some 14,000 farm families have been forced to take advantage of the Frazier-Lemke farm moratorium law, which was passed in the closing days of last session of Congress, and since the question of constitutionality has been raised, it gives me great pleasure to insert here a decision by Presiding Judge Hutcheson, of the Circuit Court of Appeals, Fifth Circuit. This decision appears on page 5 of the May 12 United States Law Week. You will note that the Dallas Joint Stock Land Bank is the plaintiff. This and other joint-stock land banks that are now in the process of liquidation have ruthlessly foreclosed and evicted from their homes hundreds and thousands of men, women, and children.

#### FRAZIER-LEMKE ACT OF 1935—CONSTITUTIONALITY

Frazier-Lemke Act of 1935 constitutes bankruptcy legislation within meaning of bankruptcy clause. Depriving mortgagee of right to collect debt by State court foreclosure, it does not take his property without due process of law in violation of fifth amendment.

C. C. A., FIFTH CIRCUIT (HUTCHESON, C. J.), DALLAS JOINT-STOCK LAND BANK OF DALLAS v. DAVIS, NO. 7966, MAY 5, 1936

(Digest-summary of the opinion)

The Frazier-Lemke Act of 1935 (sub. (s) of sec. 75 of the Bankruptcy Act) is not unconstitutional on the ground that it is not bankruptcy legislation within the meaning of the bankruptcy clause of the Federal Constitution.

"The authority of Congress to make uniform laws on the subject of bankruptcy is a broad one. It extends to and authorizes not merely ordinary bankruptcy laws, as they were understood and in existence at the time of the adoption of the Constitution, but insolvency laws in general. It extends to and authorizes all just laws having for their object the liquidation of indebtedness. It lawfully embraces in its scope and purpose not only the just protection of the creditor but the relief of the debtor. (*Louisville Bank v. Radford*, 295 U. S. 555; *In re Landquist*, 70 F. (2d) 729; *In re Chicago R. I. & Pac.*, 72 F. (2d) 443; *Local Loan Co. v. Hunt*, 292 U. S. 234; *Continental Bank v. C. R. I. & P.*, 294 U. S. 648; *Van Huffel v. Harkelrode*, 284 U. S. 225; *Hanover National Bank v. Motzes*, 186 U. S. 181)."



In the exercise of its bankruptcy powers, Congress has lawfully provided for the complete abrogation of the personal obligation of debts, discharging the debtor therefrom; for the making of compositions; and for the marshalling of property of debtors and for the equitable distribution thereof among the secured creditors, to the extent even of authorizing a complete rearrangement and rewriting of the obligations. In the exercise of such powers, Congress may, also, make just provision for the exercise of judicial discretion in granting reasonable stays of liquidations in bankruptcy.

The act, insofar as it prevents a mortgagee from collecting its debt by State court foreclosure proceedings and provides for its collection through the bankruptcy court, does not deprive the mortgagee of substantial property rights in violation of the due process clause of the fifth amendment.

The defects in the original Frazier-Lemke Act pointed out by the Supreme Court of the United States in the *Radford* case (295 U. S. 555) were cured by the 1935 act. The new act was written so as to conform to the decision in the *Radford* case.

"On its face the act merely transfers the liquidation of the indebtedness from State courts to the court of bankruptcy. It remits to the judicial discretion of that court the administration of the property of a bankrupt, with the end in view to bring about, if a due regard for the property rights and interests of his creditors permits it, a gradual and therefore more just and equitable liquidation, in lieu of an unduly hasty and forced one."

The act authorizes a stay of collection for the maximum period of 3 years, during which time the debtor may remain in possession, "but the stay so granted is not an absolute one. It is one granted and continued in the judicial discretion of the court if, and only if, this may be done without deprivation of or injury to, and upon conditions looking to the preservation of, the creditor's security."

"Under its provisions the court must fix, and require the debtor to pay, a reasonable rental on the property, to be applied upon the debt"; and "may, and if in the exercise of a sound discretion the protection and preservation of the security demand it, must require additional payments on the principal sum due and owing"; and "may, upon a finding that the preservation of the security requires it, revoke the stay order and direct the sale of this property."

"These provisions of the act make it clear, we think, that the act grants no absolute stay, permits no arbitrary or unjust interference with creditors. It merely remits all questions regarding the collection of the debt to an informed judicial discretion, a discretion which, keeping the preservation of the security paramount, may yet, if circumstances permit, afford a means of relief to the debtor. They make it clear that the controlling, the dominant purpose and effect of the act as amended is not to deprive creditors of their security to give it to debtors, but to remit to judicial discretion in each case, whether the facts justify giving the debtor an equitable opportunity in an orderly way, to liquidate his indebtedness, provided always that the essential security of the creditor is not impaired but preserved. A law on the subject of bankruptcy having this purpose and effect is not, in our judgment, violative of the fifth amendment."

Affirmance of the order of the district court retaining jurisdiction of the proceeding under the act "is without prejudice to right of the appellant (mortgagee) to apply at any further stage of the proceedings for relief from actions or orders which it is advised have the effect of depriving it of any substantial rights."

In addition to the above, the following United States district courts have also held the Frazier-Lemke Moratorium Act constitutional:

In re Slaughter, northern district of Texas, October 12, 1935, Atwell, district judge.

In re Williams, middle district of Tennessee, November 1, 1935, Gore, district judge.

In re Reichert, western district of Kentucky, January 9, 1936, Hamilton, district judge.

In re Cole, southern district of Ohio, January 22, 1936, Nevin, district judge.

In re Bennett, western district of Missouri, January 24, 1936, Otis, district judge.

In re Allison, eastern district of Illinois, February 25, 1936, Wham, district judge.

In re McCune, western district of Pennsylvania, February 24, 1936, Schoonmaker, district judge.

There also have been some United States district courts and one United States circuit court that have held the act unconstitutional. The reasoning of some of these courts is so shallow and superficial that I feel they are not worthy of serious consideration. The circuit court of appeals just referred to held that section 77B of the Bankruptcy Act was constitutional and that the right to redeem was a property right. It took the property out of the hands of the receiver and placed it in the hands of the trustee in bankruptcy. A few months later that same court held that the Frazier-

Lemke Act was unconstitutional for the reason that the right to redeem was not a property right. Therefore, it held the act took property without the due process of law. No wonder that some of the district courts in that circuit refuse to follow such an erroneous decision and have held the Frazier-Lemke Act constitutional.

I feel confident that the Supreme Court of the United States will hold the Frazier-Lemke moratorium constitutional and that these erroneous opinions of these creditor and corporation-minded courts will be corrected. I find no fault with our courts, but I maintain that a lawyer who is afraid to criticize an erroneous decision is a moral coward.

Our judges are human. They possess no divine wisdom and are not infallible and the way to improve the standard of our courts is to honestly and fearlessly criticize erroneous decisions. This Government does not belong to the courts, nor to Congress, nor to the President, but to the people. Public opinion alone will correct abuses, whether they exist in the judicial, legislative, or executive branches of the Government.

#### TOLL BRIDGE ACROSS MISSOURI RIVER AT OMAHA, NEBR.

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 12056) authorizing the State of Iowa, acting through its State highway commission, and the State of Nebraska, acting through its department of roads and irrigation, to construct, maintain, and operate a free or toll bridge across the Missouri River at or near Dodge Street in the city of Omaha, Nebr.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. SNELL. Mr. Speaker, reserving the right to object, the gentleman just informed me this is an emergency proposition and has been unanimously reported. We are further informed that there is no objection to this bridge being constructed, therefore we have no objection.

The SPEAKER. Is there objection to the immediate consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the State of Iowa, acting through its State highway commission, and the State of Nebraska, acting through its department of roads and irrigation, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interest of navigation, at or near the east end of Dodge Street, in the city of Omaha, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the said States all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said States are hereby authorized to operate such bridge free of tolls, or, at their discretion, to fix and charge tolls for transit over such bridge, and in case rates of toll are so fixed, such rates shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to liquidate, within a period of not to exceed 10 years from the date of completion of such bridge, all or any part of the bonds held by the United States and outstanding against the bridge constructed in accordance with section 4 of the act entitled "An act to authorize the construction of certain bridges and to extend the times for commencing and completing the construction of other bridges over the navigable waters of the United States", approved June 10, 1930. The said States may enter into an agreement or agreements with the United States or other interested parties for the liquidation of all or any part of such bonds held by the United States and the tolls authorized to be charged by this act shall be used only for the purpose of carrying out the provisions of any such agreement or agreements. When a fund sufficient to meet the requirements of any such agreement or agreements shall have been



provided, the bridge authorized to be constructed by this act shall thereafter be maintained and operated free of tolls. Said States may construct such bridge with the aid of any Federal funds appropriated and apportioned to said States for expenditure under the Federal Highway Act, as amended and supplemented, and the limitations of such act, as amended and supplemented, relating to the construction of toll bridges with Federal funds and the use of tolls collected for transit over bridges so constructed and operated shall not be applicable to the tolls authorized to be charged under the provisions of this act. If tolls are charged, an accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Sec. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### INSTITUTION OF SUIT AGAINST NORTHERN PACIFIC RAILWAY CO. ET AL.

Mr. DUFFY of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4594) to supplement the act of June 25, 1929 (ch. 41, 46 Stat. L. 41), which authorized and directed the Attorney General to institute suit against the Northern Pacific Railway Co. et al.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. MICHENER. Mr. Speaker, reserving the right to object, as I understand it, this bill has been unanimously reported by the Judiciary Committee, and I understand further that a Senate bill has been passed by the Senate and is now on the Speaker's table.

Mr. DUFFY of New York. That is correct.

Mr. MICHENER. The gentleman simply desires passage of the Senate bill?

Mr. DUFFY of New York. The gentleman is correct.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the suit entitled United States of America, plaintiff, against Northern Pacific Railway Co. et al., defendants, no. E-4389, instituted and pending in the District Court of the United States for the Eastern District of Washington, under the authority and direction of the act of June 25, 1929 (ch. 41, 46 Stat. L. 41), now on reference to a special master for hearing under an order of said court entered in said suit on April 21, 1936, a direct review by the Supreme Court of the United States by appeal may be had by any party to said suit of any order or decree of said district court entered upon a review of the report of the master to be made pursuant to said order of April 21, 1936, and also of the order or decree of said district court entered in said suit on October 3, 1935, as amended by an order of January 29, 1936. Such direct review by the Supreme Court of either or both of the said orders or decrees may be had by appeal taken within 60 days from the date of the order or decree of the district court entered upon a review of the report of the master to be made pursuant to the said order of April 21, 1936. The right of review of any final judgment authorized by said act of June 25, 1929, shall continue in force and effect.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

#### SEVENTY-FIFTH ANNIVERSARY OF THE BATTLE OF ANTIETAM

Mr. LEWIS of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 12168) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, a great many times, on the floor, I have expressed my opposition to bills of this character. I think it is a mistake that we have put through a great many of them during the present session, and I am not going to object to the request of my friend from Maryland, although I object to the entire policy we have adopted in this respect during the present session.

Mr. RICH. Mr. Speaker, reserving the right to object, I may say that there have been 15 or 20 bills similar to this passed at this session of the Congress. I do not know

whether this is the Democrats' way of starting inflation or not, but we are certainly doing this to the queen's taste, and I think it ought to be stopped very shortly.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in commemoration of the seventy-fifth anniversary of the Battle of Antietam there shall be coined at a mint of the United States to be designated by the Director of the Mint not to exceed 5,000 silver 50-cent pieces of standard size, weight, and composition and of a special appropriate single design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Sec. 2. The coins herein authorized shall bear the date 1937, irrespective of the year in which they are minted or issued, shall be legal tender in any payment to the amount of their face value, and shall be issued only upon the request of the Washington County Historical Society of Hagerstown, Md., upon payment by it of the par value of such coins, but not less than five thousand such coins shall be issued to it at any one time, and no such coins shall be issued after the expiration of 1 year after the date of enactment of this act. Such coins may be disposed of at par or at a premium by such Washington County Historical Society of Hagerstown, Md., and the net proceeds shall be used by it in defraying the expenses incidental and appropriate to the commemoration of such event.

Sec. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for the security of the coins, or for any other purposes, whether such laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

With the following committee amendments:

Page 1, line 6, strike out "to exceed five" and insert "less than twenty-five."

Page 2, line 9, strike out the word "five" and insert "twenty-five."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### KEEPING FAITH WITH UNITED STATES

Mr. IGLESIAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Puerto Rico.

The SPEAKER. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. IGLESIAS. Mr. Speaker, when the United States Army landed in Puerto Rico, July 28, 1898, to further the "cause of liberty, justice, and humanity", and "bearing the banner of freedom", in accordance with Maj Gen. Nelson A. Miles' proclamation, the island was converted into a part of the United States, and the monarchic and military autocratic government of Spain was ended.

The people of Puerto Rico received the American Army with open arms and cordial public receptions.

After the signing and ratification of the Treaty of Paris, President McKinley declared:

The people of Puerto Rico should be led and educated to become a State of the Union.

On April 12, 1900, Congress approved the Foraker Act, establishing a civil government for Puerto Rico. In the year 1906 President Theodore Roosevelt sent special messages to Congress specifically recommending American citizenship to the people of Puerto Rico, as a matter of right and justice. "They are loyal", he said, "and they are glad to be under our flag."

President Theodore Roosevelt went to Puerto Rico, and delegations representing agriculture, commerce, and industry met him. It was at this time that the Federation of Labor requested citizenship for the people of Puerto Rico, and handed him the following memorial:

Free Federation of Workingmen of Puerto Rico—Affiliated with the American Federation of Labor

HON. THEODORE ROOSEVELT,  
President of the United States,  
San Juan, P. R.

ILLUSTRIOUS CITIZEN: The laboring class of Puerto Rico, represented by the "Federacion Libre", the branch of the American Federation of Labor in this island, desires to extend to you through this petition its heartiest and most cordial welcome to our shores, and the assurance of our love for the American people, of whom you are the honored and worthy representative.



The aims and purpose of our organization are the same as those of the trades unions of the United States. We are loyal and faithful adjunct of the American Federation of Labor, and our education, our efforts, and our ambitions are directed toward obtaining a higher moral, intellectual, and civic standard for the working class and the people of Puerto Rico in general.

With this object in view and as a means of its attainment, all the aspirations of our people, the strongest desire and longing of our hearts is that we may be made citizens of the United States in the highest and truest sense and interpretation of the term.

And though recognizing that our needs are more of an industrial than political nature, the laboring class and the people of Puerto Rico in general feel convinced that with the establishment of self-government in its truest significance that all would enjoy to its fullest extent the liberty and blessings of freedom symbolized by the Stars and Stripes.

Our dearest and fondest aspirations are these: Citizenship and self-government.

And while this legitimate request of the Puerto Rican people is being considered by the Government wisely directed by you, we beg that you will use your influence and good offices to impress upon the officials in Puerto Rico the opinion which has invariably been your guide when speaking of trade unions. In other words, that such unions are necessary to proper industrial development, to the progress of a country, and that the aid and approval given to labor institutions by all citizens is a demonstration of the love and affection felt for the advancement and growth of a people.

Anything you may do for us, honored sir, will forever be engraved on the heart and be cherished in the memory of this country, and on all occasions the laboring class of Puerto Rico will have an additional reason for congratulating itself on the outlook for the future, because its interests are safeguarded by the rulers of the American Nation.

And we ask you to tell the American people that their institutions are loved and wished for in Puerto Rico.

You, Mr. President, can always count on our sincere affection, and may God grant you a safe and happy return to your native shores and an eternal memory of this true and loyal island.

Respectfully,

EUGENIO SANCHEZ LOPEZ, *President.*  
MANUEL ALDEA NAZARIO, *Secretary.*  
RAFAEL ALONSO, *Organizer.*  
MIGUEL SANCHEZ GOYTIA, *Organizer.*  
JOSÉ VENTURA, *Organizer.*  
JUAN GUERRA, *Treasurer.*

SAN JUAN, P. R., November 21, 1906.

In his annual message President Theodore Roosevelt made the following recommendations:

I earnestly advocate the adoption of legislation which will explicitly confer American citizenship on all citizens of Puerto Rico. There is, in my judgment, no excuse for failure to do this.

And under date of March 26, 1906, in the following letter, President Roosevelt manifested his deep interest in the subject and at the same time called attention in a forceful way to the injustice and embarrassment involved in the continuance of that status:

THE WHITE HOUSE,  
Washington, March 26, 1906.

MY DEAR SENATOR FORAKER: As you know, Mr. Alrinaga had been appointed as one of the American delegates to the Pan American Congress at Brazil. It would be a real misfortune not to have the citizenship bill for Puerto Rico pass at this session prior to his going there. I cannot believe there will be an opposition to the bill, and I most earnestly hope that it will be put through as speedily as possible. I know how heartily you sympathize with it.

THEODORE ROOSEVELT.

In 1912 I wrote the following letter to President Taft:

WASHINGTON, D. C., April 5, 1912.

MR. PRESIDENT: As a representative of organized labor of Puerto Rico I have come to the United States to assist, insofar as I am able, in obtaining the passage of the bill now pending in the United States Senate providing American citizenship for Puerto Ricans.

While this is desired by all Puerto Ricans, it is especially desired by the laboring people, who feel that American citizenship will mean a great step forward for them, because, unless the American citizenship and the spirit that guides the American in such matters are extended to the islands, the laborers must continue with but little hope of uplift.

I have collected, with a view of having it printed, the various recommendations in Presidential messages and in reports of the Secretary of War and of the Governor of Puerto Rico, favoring the granting of American citizenship to Puerto Ricans. I have been unable to find in your message or elsewhere a statement specifically favoring the granting of American citizenship, though I understand fully that you have approved such recommendations of the Secretaries of War. May I ask, Mr. President, that you say a word specifically approving such legislation, that I may place it as a foreword in the little pamphlet.

Thanking you, with much respect, I am,

SANTIAGO IGLESIAS,  
*President of the Free Federation of*  
*Workingmen of Puerto Rico.*

To this letter came the reply as follows:

THE WHITE HOUSE,  
Washington, April 15, 1912.  
SANTIAGO IGLESIAS, Esq.,  
*President of the Free Federation*  
*of the Workingmen of Puerto Rico,*  
Washington, D. C.

MY DEAR MR. IGLESIAS: I am in favor of granting citizenship to the people of Puerto Rico. The connection between Puerto Rico and the United States has been, from the beginning, regarded as permanent. Puerto Rico came to us with the hearty good will of both the American and Puerto Rican people, and I believe that both, as a matter of sentiment and practical justice, the Puerto Ricans should be made citizens. At the same time I believe that our duty to the island will be best discharged, and Puerto Rico's interests will be best subserved, by affording the largest opportunity for the development of local traditions and habits, which are very different from our own.

This means that as fast as the instinct and habit of self-government is acquired by the people at large, and no faster, the fullest possible measure of local and fiscal self-government should be granted. It is a happy sign of the realization of what should be the most fitting political aspiration of the island, as well as a recognition of the public opinion of the United States, that in the minds of neither people is the grant of citizenship associated with any thought of statehood.

Very truly yours,

WM. H. TAFT.

The Committee on Insular Affairs, in House Report 341, Sixty-second Congress, stated that the bill was to definitely fix the civil and political status of the people of Puerto Rico, and at the same time to make those at present defined to be citizens of Puerto Rico and certain other natives citizens of the United States. The report adds:

It has long been a conceded fact that Puerto Rico has become a permanent territory of the United States. Its people have accepted this fact in good faith and have never sought, nor do they desire, a separate and independent political existence. Their loyalty to the United States under all circumstances has never been questioned.

What they most desire, and what they have long and earnestly endeavored to secure, is American citizenship, accompanied with the right to legislate for themselves in respect to all purely local affairs.

The Secretary of War, in his 1911 report, urged Congress to grant American citizenship to the people of Puerto Rico and, in part, said:

The demand for American citizenship on the part of the Puerto Rican people is genuine and well-nigh universal. \* \* \* The connection between Puerto Rico and the United States is permanent and has been from the beginning regarded as permanent. \* \* \*

A joint resolution was passed by the Legislative Assembly of Puerto Rico to commend the recommendations made to Congress by President Theodore Roosevelt. Besides, many labor and other associations and the majority of political parties of the island adopted resolutions time and again requesting the Presidents and Congress to grant American citizenship to the Puerto Rican people.

Secretaries of War from Stimson, Baker, Governors Winthorpe, Colton to Yeager, recommended the American citizenship for the people of Puerto Rico. Samuel Gompers, former president of the American Federation of Labor, urged self-government and citizenship for our people.

March 5, 1912, one of my predecessors, Resident Commissioner Luis Muñoz Rivera, founder of the Liberal and Unionist Parties of Puerto Rico, delivered a speech in the House of Representatives, in which he stated:

I must declare that the majority, the large majority, of Puerto Ricans are sincerely attached to the American Nation. And I must also declare that, should American citizenship be bestowed upon them, my countrymen will always feel grateful to the American Representatives who, through their action, would give them a proof of confidence in their loyalty, and that they would enthusiastically, bravely, and proudly uphold their citizenship, identifying themselves with the new country to which their historic destiny has united them, loving and respecting the flag that protects their homes, doing honor by their civic conduct to the national family that receives them, and finally endeavoring to be the worthy sons of the America of Washington and Lincoln, not only because so impelled by the natural feelings of their souls, jaded and mortified up to the present time by indifference and injustice.

Samuel Gompers, while president of the American Federation of Labor, made these remarkable recommendations to various conventions:

It is certainly evident that Puerto Rico is to be a permanent possession of the United States; and, inasmuch as her wage earners



manifest a strong disposition not only to organize but to make common cause with us for the principles and progress of our cause, we should encourage and make easy their complete fraternization with the organized labor movement of our continent.

The people of Puerto Rico are intensely sympathetic with the institutions of our Republic and universally desire the recognition of the principles of equality with the sovereign citizenship of the United States. These rights they are eminently qualified to exercise; these rights they are entitled to, and it should be our aim to aid in achieving them.

I strongly urge that every effort be made, not only by this convention but also by every union, union member, and sympathizer, to help to the very best of his ability the worthy working people of Puerto Rico to a realization of a better and brighter day.

Senators, Congressmen, and governmental authorities have agreed that Puerto Rico be and is a permanent territory of the United States, and all the Governors appointed to the island have striven to lead the people in that right direction.

So after 19 years of constant appeals to the Presidents and to Congress, with the aid of the press, the American Federation of Labor, and the sympathetic and friendly attitude of Woodrow Wilson, Congress granted the Puerto Ricans not only citizenship but a greater measure of democratic form of government, by which all classes and the masses of workers were given the opportunity to work out their own destiny by the means of organizing themselves and of having representation in the affairs of the island's administration in accordance with the new organic law, and to build up their political, economic, and social entities; to obtain more liberal and humanitarian laws, as is done in many States of the Union.

President Harding, in one of his addresses, termed Puerto Rico "our Caribbean State", and both President Coolidge and President Hoover mentioned Puerto Rico as an island where the people in good faith were making wonderful progress under the guidance of American institutions.

In answer to a specific question put by me as to whether the term "Territories" as used in Federal acts included Puerto Rico, the Department of Justice's reply was in the affirmative, and the reason was based upon several decisions of the Supreme Court, in which it was stated that Puerto Rico was a fully organized Territory of the United States, although not an incorporated one.

President Franklin D. Roosevelt, since the beginning of his administration, has recommended and decided to help the people of Puerto Rico in their economic problems. He extended to the island the benefits of his program of relief and rehabilitation. Many important Federal laws of financial assistance for education, public works, sanitation and agriculture to the States were extended to Puerto Rico.

In May 28, 1935, by Executive order, President Roosevelt appointed Ernest H. Gruening, of the Department of the Interior, administrator of the Puerto Rico Reconstruction Administration to initiate, formulate, administer, and supervise a program of approved projects for providing relief and work relief and for increasing employment in Puerto Rico. The President also gave the administrator authority to acquire, by purchase or by the power of eminent domain, any real property or any interest therein and improve, develop, grant, sell, lease, or otherwise dispose of any such property or interest therein.

Administrator Gruening appointed about 30 representatives of himself in the island for carrying out these enterprises, and unfortunately it happened that with the exception of three men the other 27 belonged to the opposition, Liberal Party, as against the majority coalition of the legislature and the insular government, ignoring, as it seems to me, the President's recommendation that all parties and interests be represented.

The Governor himself became a mere figurehead, and his actions were handicapped by a real supergovernment created in this way.

The formulation of plans in accordance with the intentions of President Roosevelt included changing the general economic conditions of the island. A plan of reconstruction providing for permanent improvement of the people of Puerto Rico was devised, having in mind to use practically the amount of income derived from the sugar processing tax and

the allocations of money granted by the President, which would afford benefits for all people.

Puerto Rican workers claim the term "for the benefit of the general agriculture" weakened and completely submerged the phrase "that labor will be given protection in Puerto Rico."

The President's intention as expressed by him to me as Resident Commissioner of Puerto Rico regarding the machinery of the reconstruction program under the Emergency Relief Appropriation Act was to avoid overlapping discriminations and politics. At that time the President advocated the formation of a true coordinating committee of Federal and insular authorities, headed by the Governor as chairman, and members selected by him from the executive and legislative branches of the insular government. With his own hand the President also designated the president of the insular senate and speaker of the house as advisory members. In the formation of the machinery for the executive committee Dr. Gruening has appointed people who represent liberal professions and others, but there is not a single representative of labor.

While this work of reconstruction was going on in the island two political bills were unexpectedly introduced in the United States Senate, apparently recommended by the administrator, Dr. Ernest H. Gruening. One of the bills is an unwarranted intervention in the electoral rights of the people and the other bill, authorizing a plebiscite in the island for the year 1937 on the matter of independence was a tremendous mistake, being unwise and morally destructive.

Both bills have been vigorously protested by the people of Puerto Rico, except a very small minority.

Last week Governor Winship approved an electoral bill and is considering all proposed amendments which will go to make clean, honest elections.

Congress should not be influenced to legislate on local political matters of this character, based on the following objection which the vice president of the Puerto Rican Senate sent to me, as follows:

First. The bill of Senator TYDINGS on elections is substantially the same as bill—S. B. 20—passed by the Legislature of Puerto Rico last April.

Second. The provision of the bill that the list of registered voters shall be those of the persons appearing in the 1935-36 census is contrary to law, unconstitutional, and unfair, because—

(a) It annuls all registrations of voters made in Puerto Rico in accordance with the laws in force.

(b) It deprives thousands of legal voters of the rights acquired by them when they registered in accordance with the insular laws in force.

(c) It runs contrary to all precedents governing election matters, inasmuch as when the census was taken the political parties had no representation whatever in the taking of that census. These parties represent organized public opinion in Puerto Rico.

(d) It is claimed that thousands of voters who had acquired the right to vote under the provisions of our laws were left out of the census.

(e) It also is claimed that such census of 1935-36 was taken by men politically partial, as they were chosen from only one political party to the detriment of other organized parties.

(f) It was publicly asserted, and denounced, that the P. R. R. A., the reconstruction machinery, selected those men, and this agency is biased in favor of one political party.

(g) It is further contended that the approval of said measure would annul all the registrations already made, and would require starting the work all over again, doubling thereby the cost of election expenses to the Treasury of Puerto Rico.

In regard to the bill intended to hold a plebiscite for independence and the reasons and arguments proudly given by Dr. Gruening and others, I desire to assure you that the great majority of the people of Puerto Rico have always been for the permanent union with the United States, and I hope that it will be so in the future.



This bill represents a tremendous blow to the majority of all citizens of the United States in the island who for 38 years have been fighting a thousand battles to obtain American liberties, cultivating and maintaining with absolute convictions the principles and ideals of the democratic institutions of the United States of America.

The argument that there exists a group in Puerto Rico favoring independence is not a reason why it should jeopardize the rights of the great majority of the people who have maintained the sane and sincere doctrine of "permanent union of Puerto Rico with the United States."

It is, indeed, very deplorable and regrettable that without proper consultation with the majority of citizens of the United States in Puerto Rico, the Governor, the legislature, and other constituted authorities of the island, such a far-reaching measure should have been introduced.

We are very grateful to the President for what he has done in behalf of the poor, and also to the American Federation of Labor under President William Green that has for years helped to obtain freedom for the workers of Puerto Rico, the guaranty of public assembly, and the right to organize and better their economic and social conditions within the fold of our American institutions. The workers of the island are very grateful to them for all these.

I desire to repeat again that the people of Puerto Rico as a whole are no more responsible for the assassination of Colonel Riggs than the people of the United States for the assassination of the great Presidents Lincoln, Garfield, and McKinley.

The beautiful island of Puerto Rico, which has made wonderful progress in all directions during the American regime, is one of the first customers of the mainland, and has had over three thousand millions of dollars of commerce with the United States in the last 36 years, two-thirds of which has benefited business of the continent. The money sent for relief and reconstruction is practically a help and compensation to the people of the island, and of which money two-thirds reverted right back to the mainland again.

If the Tydings referendum bill or any other similar bill were to be approved, all civil and individual rights which have been gained for the workers in 40 years of struggle would be sacrificed.

I certainly am sorry that I have lived to see the day the great American Government would ask our people to commit suicide. That is what independence, as it has been offered, means.

All leaders of parties see by themselves that a new era of reconstruction has come to the island to perfect our democratic institutions dedicated to social, political, and economic rehabilitation. Free and guaranteed vote of the people makes the island more progressive and gives opportunity to acquire greater capacity and progress.

Our coalition parties in the legislature have won the most honest and clean elections of 1932 with this issue:

That the influence of the people of the United States in the destiny of Puerto Rico has been, is, and will be civilizing, and the extension of the Constitution to Puerto Rico represents a positive guarantee of the public and political liberties convenient and favorable to the enjoyment of the individual rights.

We reject all forms of a colonial government; therefore, we proclaim the permanent union of the people of Puerto Rico with the people of the United States to maintain and consecrate socially, politically, and industrially a democratic community with the same rights and duties as any community of the United States. We want and are willing to be recognized as an integral part of the States of the Union and lead our future in that line.

Puerto Rico has a population over 1,700,000, or 500 inhabitants to the square mile, as compared with 55 per square mile on the mainland.

As all of you know, Puerto Rico stands literally at the crossroads of the world, at the entrance to the Caribbean region, and on a direct line between east and west, north and south. San Juan, the capital and chief port, is but 1,000 miles away from the Panama Canal, 1,300 miles from New York or Philadelphia, less than 1,000 miles away from

Havana, and under 4,000 miles from the great European markets.

Puerto Rico is an integral part of the United States, under the supreme authority of Congress. The Treaty of Paris between the United States and Spain, 1899, in article II, provided that—

The civil rights and political status of the native inhabitants of the Territories hereby ceded to the United States shall be determined by Congress.

The treaty contained no promise or declaration regarding the political status of the inhabitants of Puerto Rico affected by the cession, but left the matter entirely to be decided by Congress.

As an explanation of this provision, the American representatives at the peace negotiations, leading to the Treaty of Paris, in replying to the representatives of the Spanish Kingdom, said:

The congress of a nation which never enacted a law oppressive or detrimental to the rights of residents within its dominion and whose laws guarantee the greatest liberty compatible with the conservation of property surely can be trusted not to depart from its well-established practice in dealing with the inhabitants of these islands.

#### LOSSES OF CERTAIN OFFICERS AND EMPLOYEES OF THE FOREIGN SERVICE OF THE UNITED STATES

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 267) for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties, suffered losses of personal property by reason of catastrophes of nature, with House amendments, insist on the House amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. McREYNOLDS, BLOOM, and FISH.

CLELLIA S. IRVIN

Mr. TAYLOR of Tennessee. Mr. Speaker, the bill (H. R. 10298) granting a pension to Clellia S. Irvin was erroneously referred to the Committee on Pensions. I, therefore, ask unanimous consent that the Committee on Pensions be discharged from the further consideration of the bill and that the same be referred to the Committee on Invalid Pensions.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### REVENUE AND EXPENDITURES

The SPEAKER. Under special order of the House, the Chair recognizes the gentleman from Georgia [Mr. CASTELLOW] for 15 minutes.

Mr. CASTELLOW. Mr. Speaker, with governments, as with individuals, few have found it difficult to spend money, but its replacement presents a different story. My observation is that one of the easiest habits to form is that of extravagance. Even extravagance may not be definitely menacing so long as the spender remains conscious of his extravagance, just as the driver of an automobile may operate his car at a high rate of speed in safety so long as he realizes he is driving fast, for the realization will constrain him to observe caution. The hazard arises when to him a high rate of speed becomes a habit of which he is unconscious. Therein lies the danger. Even so, as long as we realize that our national expenditures are without peacetime parallel, and that billions of dollars represent much in human toil, we will at least exercise care and caution in the manner and purposes of its distribution. But let us take thought lest familiarity with stupendous figures destroy our sense of proportion and lull us as a Nation into an unwarranted sense of security while we indulge in reckless expenditures resulting finally in practical repudiation or in confiscation of the savings of the frugal and thrifty through the instrumentality of taxation. Little comfort could be derived from acceptance of either horn of such a dilemma. Is it not apparent to the thoughtful



that by legislative act the accomplishment of the former has been rendered simple in the event the latter becomes too unpopular?

The tax plan proposed by the bill which recently passed the House admittedly will discourage the accumulation by corporations of a reserve, absolutely essential to the successful operation of any business venture. [Applause.] If corporations are detrimental to our economic life, they should not be tolerated; if they perform any useful service, they should not be handicapped by unreasonable restrictions. It is difficult to conceive that any businessman would contend for a moment that a reasonable reserve for future contingencies is not helpful, if not, indeed, essential, to success. This being true, it occurs to me that while unreasonable hoarding should not be encouraged, it would be advisable to permit the accumulation of a surplus equaling a reasonable percentage of its capital structure without undue restriction. Operating capital, usually supplied from accumulated profits, is the very heart of all business; and before operating on this delicate organ, maturest deliberation should be exercised.

The necessity of "storing up" or providing a reserve in times of plenty to carry through in times of scarcity has been recognized not only by thoughtful men of all ages but taught by nature to the insects of the field and the denizens of the forest. Who would say to the bee, "Cease to provide stores against the approach of winter", or to the squirrel, "Gather not to provide for a time when there is nothing to gather"? Nature itself provided for the great State of Minnesota abundant lakes to render more uniform its moisture. Without vision to correctly judge the logical results of their acts, men have drained these great natural reservoirs and are now seeking relief from the consequences of their folly. Why has our Government built, and is still building, at the cost of uncounted millions, dams to restrict the natural flow of water in time of abundance except to render it more effective in power and afford more uniformity of supply for the arid lands of the West? The unparalleled prosperity and progress of our great country is largely due to recognition of the fact that money, representing energy, like water, to attain its greatest efficiency must be accumulated at times in abnormal quantity, and with due caution and judgment released when needed. Great dams have been constructed in the past. The more expert the builder, the higher the walls, the more secure the masonry; the more water it will detain, and the longer. The builder for a season claims ownership, and exercising dominion directs its use and proudly claims it as his own. At his bidding it may turn the wheels of commerce or cause to produce in abundance thousands of acres of otherwise barren land. Yet, with all this added productivity, the owner's individual capacity to consume is not increased, and so the multiplied production must necessarily enure ultimately to the benefit of others. Not only that, there never was a dam built so high, so thick, or so permanent, as to prevent indefinitely a single drop of water from returning to its true parent, the ocean. So a financier may construct in the stream of commerce an obstacle to the flow of dollars, restrain them for a season, direct their activities, and call them his own. The more efficient he may be, the more he may acquire and the longer retain, but there never was nor ever will be one with the ability to withhold indefinitely a single dollar from mankind, its true owner. In the first instance, would wisdom be manifested by hastily, with pick and shovel or devastating explosives, destroying the agency by which the accumulation and retention of the necessary supply of water is made possible? Or would you discourage from labor those persons, artificial or natural, who by their efforts are building financial reservoirs from which mankind may draw in time of need? The folly of him who killed the goose to more speedily secure an extra egg has often been repeated in the past, and I presume will be in the future, for observation discloses that human nature changes, if at all, very slowly.

It has been the custom of men through the ages to class, as among the enemies of mankind, those whose labors have seemingly been unduly rewarded, but to the overcritical I suggest that the real dead weight imposed upon society is

the drone in this human hive who consumes more, whether rich or poor, than he contributes to its good by his own efforts. [Applause.] All that we possess, all that civilization now enjoys, represents the net profits from human effort plowed back in full into the reserve of the greatest of all corporations—that in which every human being on earth today is to some extent a stockholder, and the assets and liabilities of which future generations will inherit.

One justification for increasing old taxes or levying new is to bring the Government revenues nearer in line with expenditures. All must know that this is imperative, but could not the same result be accomplished by a reduction of expenditures, and would that not be the saner course to pursue? [Applause.] Let us not delude ourselves with the belief that by some magic power any Government can give more than it takes. If the giving is done with caution, the taking may be done with moderation and justice more nearly accorded to all.

Unquestionably taxes should be imposed in accordance with ability to pay. The tax bill now before the Senate, as originally reported to the House, would have rendered it most difficult, if not, indeed, impossible, for corporations now in financial difficulties to ever regain a sound footing. By those who sponsor Government ownership of industry this failure to prosper might have been advanced as a reason why the Government should assume direct control, and thus a failure due to Government planning could have been advanced as a reason for governmental ownership. This feature, however, was modified in the House by amendment.

As the levying of taxes so vitally and directly affects the individual citizen, our Constitution provides that all bills for the raising of revenue must originate in the lower branch of Congress, every Member of which must necessarily have been elected by the people within the preceding 2 years. To facilitate legislation, committees have been formed for special consideration of such legislative matters as come within the jurisdiction of each, respectively. The members of the Ways and Means Committee, to which is referred all tax legislation, on account of the importance of the committee, are elected by the membership of the House and are selected usually by reason of their long service, proven ability, and peculiar fitness. The revenue bill recently passed was reported to the House by this committee. It is reasonable to assume, and the facts disclose, that they gave mature consideration to the subject and if, under those conditions, their wisdom and patriotism cannot be relied upon, representative government is seriously threatened.

While entertaining some misgivings as to the wisdom of the proposed legislation, as indicated by the foregoing expressions of my observations and conclusions, I sincerely trust that the results of this legislation will not prove disappointing. [Applause.]

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. COX. Mr. Speaker, my colleague has just completed what will probably be the last speech he will make on the floor of this House, as he voluntarily retires as a Member of this body at the expiration of his present term. When he goes I would like for him to go conscious of the fact that he leaves a membership that holds for him the very profoundest respect and whose fondest affection will follow him the remainder of his days. [Applause.]

The SPEAKER. The gentleman from Massachusetts [Mr. TREADWAY] is recognized under the special order for 20 minutes.

#### RUINOUS RECIPROCITY

Mr. TREADWAY. Mr. Speaker, some days ago the gentleman from Ohio [Mr. HARLAN] remarked that I seemed to be "mysteriously silent" recently on the subject of the administration's trade-treaty program, and indicated my silence showed that I was finally admitting that these unconstitutional treaties were a solution of our ills.

I beg to assure the gentleman that he is completely in error, for I personally feel more strongly every day against



these iniquitous reciprocal-tariff agreements, and as far as my effort to do away with them is concerned I have just begun to fight! [Applause.]

#### FURTHER SURRENDER OF DOMESTIC MARKET UNDER FRENCH TREATY

My purpose in speaking this morning is primarily to answer some of the recent statements made by the proponents of the trade-treaty program, both in and out of Congress, but first I wish to discuss for a few moments the trade treaty with France which has just been concluded, and which was made public last Wednesday. It is another outstanding example of surrendering our rich domestic market for illusory benefits in foreign markets.

According to the summary of the treaty issued by the State Department—and of course we had no knowledge of it whatsoever in advance, as all these treaties are star chamber procedures—this country granted to France reductions up to 50 percent on 71 separate items, and we received only 19 reductions, some of which even the State Department admitted were only nominal percentages. The major French concessions were not duty reductions at all, but simply a liberalization of quota restrictions. However, both in the case of the duty reductions and the quota liberalizations, the French Government reserves the right to increase the rates or modify the quotas. Even in according us most-favored-nation treatment, it makes a number of exceptions to the general rule.

You have heard comments made about horse trading, and now Professor Sayre informs us we ought not to indulge in horse trading. Well, we ought not to indulge in horse trading of that kind, I agree. In the country I came from, when we used to trade horses, when there were horses to be traded, there was an effort to get an even swap, which we never had in any of these things, and particularly we have not done so in this recent one with France.

#### REDUCTIONS LARGELY ON LUXURY ARTICLES

Here are just a few of the articles on which we have granted reductions which, in accordance with the usual practice, will be generalized in favor of all other countries:

##### Article and percentage by which existing duty is reduced

Bottled perfume.....	49
Cosmetics.....	40-50
Tinsel products.....	27-40
Roquefort cheese.....	28
Canned mushrooms.....	34
Brandy.....	50
Cordials and liquors.....	50
Champagne.....	50
Still wines (not over 14-percent alcohol).....	40
Vermouth.....	50
Silk broadcloths.....	18-31
Silk-pile fabrics.....	17-29
Rayon-pile fabrics.....	21
Papeteries.....	25
Straw hats.....	43
Feathers and downs.....	33
Jewelry.....	25-41
Articles of adornment.....	25-41
Cotton lace.....	33-44
Silk lace.....	28
Cotton or silk wearing apparel with lace or embroidery.....	17
Cloaked and embroidered cotton hose.....	20-33
Corsets.....	17-27
Elastic fabrics.....	33
Hand-seamed women's and children's gloves.....	31
Brierwood pipes.....	40
Cigarette paper.....	25

As you look over that list, it will be noted that many of them are luxuries. If there is one class of articles that ought to pay the duty, even though you believe in "tariff for revenue only", it is luxuries. Who can better afford to aid in support of our Government than a person who can purchase champagne to use on his table for himself or his friends? The same is true with regard to those who wish to use exclusive French perfumes. If some people must have the imported article, let them pay for it. We make good champagne and perfumes right here in this country, and there is no reason why we should encourage the use of the foreign articles. I could say the same thing for corsets and other articles on which the duty is reduced under the treaty.

What do our grape growers in New York State, in the area represented to a large extent by the gentleman from New York [Mr. TABER], think of a 40- to 50-percent reduction on wine and champagne? Our friends from California know something about how the tariff has benefited them in the past. Take brandy alone. If the tariff permitted, we would increase the consumption of the domestic product; so why reduce the tariff in order to allow the foreigner to ship his brandy into the United States in competition with that which can be produced in California? I think the answer to some of those questions will be very plainly made when the votes are counted in November.

#### FURTHER REDUCTION ON CHEESE

Take the question of cheese. The State Department, in its analysis of the treaty, says that this reduction "is in line with the reductions already made to Switzerland and the Netherlands on the cheese specialties of those countries." It might be said that Roquefort cheese could well be reduced in the tariff. Of course, the agriculturists here and our rural friends throughout the country realize that the more imported cheese is sold in this country and the lower price charged for it the less consumption there will be of home-manufactured domestic cheese. A further reduction in the tariff on Swiss cheese was made in the treaty with Finland, which was just announced today. This reduction of 2 cents per pound provided in the treaty seriously affects Wisconsin and other States, where our domestic Swiss cheese is a large dairy product. Oh, these Democratic reciprocal theorists are some "friends" of the farmer! There could not be anything more ridiculous in the way of argument than to try to tell our sensible agriculturists and rural population that these agreements, unconstitutionally entered into, are of benefit to them.

I see one of the distinguished Representatives from Maine interested in what I am saying. Only a few days ago Canada raised the tariff against Maine potatoes, although there had been an agreement entered into with our Secretary of State and his able assistants and theorists that the duty should be lowered on potatoes. Yet as soon as the agreement is made it is increased again, and at the same time they say it is of benefit to us here in this country.

#### AN ANSWER TO CHAIRMAN O'BRIEN, OF TARIFF COMMISSION

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. BANKHEAD. The gentleman seems to charge this entire reciprocal-tariff agreement is supported alone by the Democratic Party. What has the gentleman to say about the attitude of men like David Lawrence and the Chairman of the Tariff Commission, Mr. O'Brien, and a number of others?

Mr. TREADWAY. Would the gentleman like my opinion of the gentleman from Massachusetts, Mr. O'Brien, who alleges that he is a Republican, the Chairman of the Tariff Commission?

Mr. BANKHEAD. That is what I am asking the gentleman.

Mr. TREADWAY. Very well, allow me to give it to the gentleman. I have known Mr. O'Brien, to whom our distinguished floor leader refers, for a long period of years. There is no more delightful gentleman for an after-dinner speech or an after-dinner companion than Robert Lincoln O'Brien, but politically he is an enigma. He alleges that he is a Republican, but I do not want to belong to the party which advocates such principles as he seems to believe in, which are directly contrary to the well-defined and long-established principles of the Republican Party. Further than that, let me say that he has offered his unsolicited advice to the Republican convention, which will meet in about 3 weeks to select the next Republican candidate and next successful candidate for the Presidency, to the effect that it should endorse the administration's trade-treaty program. Mr. O'Brien's advice will not be heeded.

Let me give you two particularly outstanding illustrations of Mr. O'Brien's position. It is a matter of record before the Ways and Means Committee that Mr. O'Brien testified that the reciprocal treaties would be so beneficial to the country



that the bill then before the committee ought to be passed unanimously. That is Democratic doctrine, pure and simple. I have never seen any Republican who advocated the passage of the reciprocal treaties or the bill under which they are unconstitutionally enacted.

Another angle to Mr. O'Brien's attitude appears in the hearings before a committee of another body when he was asked this question:

Senator HASTINGS. Well, is it or not true that the Tariff Commission exercises an independent judgment; or is it, as I think I saw where you stated before the House committee, wholly subject to and under the control of the President?

Listen to Mr. O'Brien's answer:

Mr. O'BRIEN. The President appoints the Tariff Commissioners. Most men in positions wish to retain them and be reappointed.

So his views, of course, were warped by his desire to continue in office. [Applause.] We may assume that this frank statement holds the key to his views respecting the trade treaties. It is interesting to note that he was rewarded by the President by being redesignated as chairman of the Tariff Commission, effective December 1, 1935. That kind of advice we do not want at any Republican convention. Aside from that, I have great admiration for the gentleman to whom the majority leader referred.

Mr. BANKHEAD. The gentleman has not quite finished, I hope. The gentleman made no reference, for instance, to the opinion of a great publicist, like Mr. David Lawrence, who is unequivocally in favor of this tariff, and the Young Republican organization of New York, and Mr. Ogden Mills. What has the gentleman to say about them?

Mr. TREADWAY. If the gentleman will withhold his interest until the Republican National Convention is held, when the Republican Party will state its principles, I do not think he will see that there are very many Republicans who believe in this monstrosity of so-called reciprocal tariffs which are not "reciprocal" in any sense. So reserve your interest until we get together the forces of the Republican Party of this country and tell you what we think about the tariff position of the Democratic Party today. Why did you not come in here with a straight, out-and-out tariff revision bill instead of going around the corner in this unconstitutional manner? I am sorry I do not have more time, because when I get on that subject my regular remarks are all thrown in the discard.

#### PRESERVATION OF WORLD PEACE NEW EXCUSE FOR TRADE-TREATY PROGRAM

I was very much amused the other day to read the speech made by the Secretary of State, Mr. Hull, before the United States Chamber of Commerce, in which he gave a new "excuse" for the administration's trade-treaty program.

Heretofore we have been given to understand that it was for the purpose of expanding our foreign markets. The act itself so states. But now the Secretary of State tells us it was for a higher and nobler purpose, namely, "the preservation of world peace." He reiterated this new purpose in a press release accompanying the announcement of the French treaty. The only reason I can see why he brings world peace into the tariff measure is that probably he was ashamed of the results of the agreements. Therefore he says they are a great help to world peace. I never heard of anything more ridiculous.

I am not surprised that the Secretary has been forced to look for some new argument to support his treaty program, because it has been a dismal failure insofar as expansion of our foreign markets is concerned; but why pick on world peace? He cannot be serious in thinking that a trade-treaty program will supplant the League of Nations, the Hague Tribunal, the World Peace Foundation, and such other agencies and organizations for keeping peace throughout the world. At least he has no grounds for hoping that his plan will be any more successful.

A certain Mediterranean country, which I need not mention, is known to have entered into some 35 bilateral trade treaties, but they apparently had little effect in restraining its military ambitions, which were culminated within the last few days. A certain oriental country is known to have at

least seven bilateral trade treaties, but these do not seem to have had any effect in curbing its martial spirit.

I wonder if the Secretary of State thinks that free-trade tariff reductions or trade treaties would have kept Napoleon's armies at home? I wonder if he thinks that international tariff barriers were responsible for the military conquests of Caesar and Alexander the Great? I wonder if he blames the Norman Conquest on protective tariffs? The whole thing is worse than a ridiculous pipe dream. Why try to delude the American people with any such statements that this sort of giving away our home markets is going to aid world peace? It would be an expensive price at the best, but what does history say about it?

The Democratic Party was in control of Congress from 1913 on. Did it keep us out of the World War because the Underwood Free-Trade Tariff Act was passed? Why does not Mr. Hull recall the days he spent on this floor as a colleague of some of us and whom we greatly admired before he puts up any such bluff that world peace is involved in a reduction of tariff rates? If that had been true we certainly would never have lost the thousands of the flower of our manhood overseas fighting to make the world "safe for democracy." Now the Secretary of State wants our workmen to give up their jobs and our farmers and manufacturers to surrender their home market to make the world safe from future wars. A beautiful dream; nothing more.

#### TREATY PROGRAM HAS FAILED TO EXPAND FOREIGN MARKETS

Now, let us forget a little of this theory that the gentleman has been telling us about and get down to actual brass tacks. What has been accomplished under this reciprocal treaty proposition which was instituted in 1934? Our favorable balance of merchandise trade declined from \$478,000,000 in 1934 to \$233,000,000 in 1935, a net loss of \$243,000,000. This resulted from the fact that our imports increased \$392,000,000 in 1935 as against an increase in exports of only \$149,000,000.

While not all of the tremendous increase in imports was due to concessions made under the trade treaties, neither was the small increase in exports due entirely to concessions obtained from the few countries with whom treaties were negotiated. The gentleman from Ohio [Mr. HARLAN] is himself authority for the statement that only \$23,000,000 of our increased export trade was with treaty countries, but even this amount cannot be attributed entirely to trade concessions, because our exports to the United Kingdom increased \$50,000,000 in 1935 over 1934 without benefit of any trade treaty and without giving the United Kingdom any concessions in our market to get the increased business. Similarly, our trade with Canada increased \$21,000,000 in 1935 over 1934 before the trade treaty with that country became effective. Many other similar instances could be cited.

#### FARM EXPORTS DECLINING

When the trade-treaty legislation was under consideration the farmers of the country were promised an increased foreign market for their products. Let us see to what extent the farmers' export market has been increased, whether by trade treaties or otherwise. Looking at the figures published by the Department of Agriculture we find that the exports of many major farm commodities are decreasing rather than increasing. Here are the figures:

*Decline in exports of certain major agricultural commodities*

Commodity	Exports	
	1934	1935
Wheat (including flour).....bushels..	36,500,000	15,700,000
Leaf tobacco.....pounds..	419,000,000	381,200,000
Bacon, hams, and shoulders.....do.....	83,700,000	61,700,000
Lard.....do.....	341,200,000	96,400,000

And still our Democratic colleagues are always telling us what great friends they are of the farmers. That is the way they have "taken care" of the farmers.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.



The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### FARM IMPORTS INCREASING

Mr. TREADWAY. But that is not all the administration has done to the farmer. It has refused to protect the farmer in the domestic market. With imports pouring in from abroad, the administration has not only failed to increase agricultural tariffs where necessary, but has actually reduced many of the existing rates, including the duties on such important products as cattle, cream, cheese, and various vegetables and fruits. This was done in spite of the President's promise to the farmers not to reduce the duties on agricultural products.

As compared with the decline in agricultural exports, here is how some of our agricultural imports have increased since 1934:

#### Increase in imports of certain major agricultural commodities

Commodity	Imports	
	1934	1935
Live cattle.....head.....	66,000	378,000
Canned beef.....pounds.....	46,700,000	76,300,000
Wheat.....bushels.....	7,700,000	27,400,000
Corn.....do.....	3,000,000	43,200,000
Oats.....do.....	5,600,000	10,100,000
Barley malt.....pounds.....	193,700,000	320,600,000
Egg products.....do.....	3,200,000	7,600,000

The decline in foreign markets and the increase of foreign competition in the domestic markets is not confined to agriculture. We find that exports of cotton cloth, for example, declined 18 percent in 1935, while imports increased 53 percent. It is bad enough for agriculture and industry to see their foreign markets disappear, but when this is coupled with increased competition in the domestic market it means disaster.

#### MANY REASONS FOR FAILURE OF TREATY PROGRAM

Many reasons could be advanced why the trade-treaty program has proved a failure. In the first place, it is based upon the false notion that by allowing foreign countries to sell us more of their goods we will necessarily benefit by being enabled to sell them more of our goods. Such has not been our experience. It is disproven by the fact that, although we increased our merchandise imports by 24 percent in 1935, our exports only increased 7 percent. When we include our gold and silver purchases, and take into consideration the so-called invisible trade balances, we find that foreign countries in 1934 had an excess purchasing power over the amount necessary to pay all balances in our favor amounting to \$970,000,000. In 1935 this excess purchasing power was approximately \$2,000,000,000. These tremendous balances in favor of foreign countries were not settled by the sale of additional American goods but by the transfer of stocks, bonds, and other securities.

When we reduce our tariff rates under the trade treaties, foreign countries are quick to take advantage of the opportunity to secure increased business in our rich domestic market, to the detriment of our own producers. It must be kept in mind that our reductions in rates are not confined to the country with whom a particular treaty is negotiated but are extended generally to all countries, Germany alone excepted. On the other hand, we receive concessions only from the country with whom we negotiate a particular treaty. Whether we sell that country any additional goods depends upon our ability to undersell the rest of the world. This throwing open of our market to the whole world, while we get in return concessions of doubtful value from particular countries, is another reason why the trade-treaty program is a failure, and is dangerous and ruinous to our trade.

#### TREATY NEGOTIATORS NOT SEEKING TRADE ADVANTAGES FOR OUR PRODUCERS

Another reason why the trade-treaty program is such a failure from the standpoint of increasing our foreign trade is that those in charge of the negotiations are more inter-

ested in trying to set an example for the world than they are in trying to gain any benefits for our own people. We have definite proof of this fact in the public utterances of these officials. The Assistant Secretary of State, Dr. Sayre, who is Secretary Hull's right-hand man in the trade-treaty negotiations, has this to say in his recent pamphlet, *America Must Act*, published by the World Peace Foundation—I quote:

If the purpose for which the act was passed is to be attained our methods must be broader than mere "horse trading." We must make of the act an instrumentality for throwing the weight of American power and influence against the disastrous world movement toward economic nationalism.

What matters is not selfish trade advantages gained by individual nations over their competitors, but the gradual liberalization of world trade through the adoption of similar programs by other nations.

Now there is a frank statement of what these free-traders down in the State Department are trying to do. They are not seeking to gain advantages for our own farmers, manufacturers, or workingmen, but are tearing down our tariff in the pious hope that the world will follow our example.

No country is going to be foolish enough to adopt this sort of program unless it is more interested in other countries than it is in its own. The rest of the nations of the world are out to get trade advantages, and are naturally glad to accept the generous concessions offered them by Secretary Hull and his "free-trade missionaries."

#### FOREIGN COUNTRIES OVERANXIOUS TO ENTER INTO TRADE TREATIES

In this connection, let me cite a statement made by Dr. Grady, Chief of the Trade Agreements Section of the Department of State, before the Committee on Appropriations on December 10, 1934. He was being interrogated by one of the members of the committee who asked him this question:

With respect to the countries that you have made contacts with up to this time, \* \* \* have you found a sympathetic interest manifested by them to go on?

Here is Dr. Grady's answer:

Extremely so. As a matter of fact, we have had pressure from countries to proceed before we were ready for them.

Think of that—"pressure" from countries to enter into these agreements. I am not surprised. They have everything to gain and nothing to lose. They know we have the richest market in the world, and they know further that there is nothing binding about the treaties to make them buy anything from this country if they do not choose to do so.

#### TARIFF REDUCTIONS HAVE INJURED DOMESTIC PRODUCERS

In his recent Chamber of Commerce speech, to which I have already adverted, Secretary Hull made many statements which will be difficult for him to substantiate, but none any more so than the following:

The general aim of our negotiators is \* \* \* to grant the other country concessions with respect to commodities the possible increased importation of which would be beneficial to our country.

Never was a more absurd statement ever made. If that has been the aim of the negotiators, who do their work in secret star-chamber sessions, it must be that their aim is bad. Perhaps this is due to the lack of "light" upon the proceedings. I could go through the whole list of concessions made under the various trade treaties, which cover some 35 printed pages, and point out scores of items, the increased importation of which could not possibly be of any benefit to this country. Just consider a few of the agricultural items on which substantial reductions in duty have been made. How is it going to help our farmers by reducing the duties on cattle, cream, cheese, poultry, apples, cherries, blueberries, grapefruit, lima beans, peas, potatoes, tomatoes, sugar, tobacco, and other such items? The only beneficiary will be the foreign producer. Likewise the reductions in the duties on certain textiles, on watches, cement, structural iron and steel, plate glass, paper, and other manufactured products can only benefit the foreign producer and the foreign workman.



## CONSUMERS ARE ALSO PRODUCERS

"Yes", the free-trader says, "but what about the consumer? Is he not benefited?" My answer is simply this: If it is so good for the consumer to buy a few things abroad, why is it not good for him to buy everything abroad, since he can get it cheaper? There is a reason and a very good reason. The word "consumer" is a very indefinite term. A farmer is a consumer, but he is also a producer. The same is true of the workingman. We find that the terms "producer" and "consumer" generally identify the same person. If all consumers are benefited by the importation of cheap goods, then all producers must be adversely affected. In the end we would find that our so-called consumers would have nothing with which to buy the cheap foreign goods, because as producers they would have been put out of business by foreign competition.

The exponents of the trade-treaty program are very fond of saying that when some export industry is benefited under a trade treaty, this benefit is reflected in many directions and accrues to many more persons than those directly affected. However, the same is true with respect to the injury done to individual groups under the trade treaties through the granting of concessions to foreign countries. That injury is reflected throughout the whole country. We consume in this country 90 percent of what we produce and export 10 percent. If we increase the 10 percent at the expense of the 90 percent, nothing is gained. Moreover, it may be pointed out that it would take a 90-percent increase in the 10 percent exported to be the equivalent of a 10-percent increase in the 90 percent consumed at home.

## DEMOCRATIC CRITICISM OF REPUBLICAN TARIFF NOT BORNE OUT BY FACTS

If I may refer again to Secretary Hull's recent chamber of commerce speech, I should like to call attention to his conception of what would happen if we repealed the trade-treaty legislation and abrogated the treaties made thereunder. Here is what he has to say on this point:

We would automatically go back to the Smoot-Hawley tariff and face once more the vicious discrimination against our trade which it caused and the virtually suicidal effort at economic self-containment which it represented.

Now, let us analyze that statement for a moment. In the first place, let me say that the Hawley-Smoot tariff is still the law of the land after 3 years of Democratic control, except insofar as it has been modified by particular trade treaties. The Democratic platform of 1932 severely criticized the Hawley-Smoot tariff and promised the country a tariff "for revenue." If the 1930 act was such a bad law, I cannot for the life of me see why the Democrats have not repealed it. The late Speaker Rainey gave the probable reason back in 1932 when he declared on this floor:

Lower the tariff drastically? You (Republicans) will not do it and we (Democrats) dare not do it with conditions as they are. We do not want this market flooded with the products of cheap labor in other countries.

Every revision of the rates made through the trade treaties is a downward revision, except where existing rates are "frozen" for a definite period. There are no tariff increases under the treaties—no element of protection for American agriculture, industry, and labor. The Republican tariff yardstick of equalizing foreign and domestic production costs has been thrown out entirely. The administration, in the words of Speaker Rainey, is now engaged in flooding the market "with the products of cheap labor in other countries."

To return to Secretary Hull's statement, to which I have made reference. He stated that the 1930 Tariff Act caused vicious discriminations against our foreign trade. Let me say that our trade was no more discriminated against than was that of any other country. When the world-wide depression began, each nation tried to protect its own market by raising tariff barriers, and we were not alone in that. When the bottom of the depression in this country was reached in 1932 and domestic conditions began to improve, our foreign trade likewise began to climb. Exports and imports in 1933 were both greater than in 1932.

## FOREIGN TRADE ON INCREASE PRIOR TO TRADE TREATIES

From 1933 to 1934 our exports alone increased \$458,000,000, which seems to have disproved the charges made by our Democratic friends that the Hawley-Smoot tariff would stifle our international trade.

The interesting thing is that the increase in export trade since the trade-treaty legislation became effective has been smaller than it was under the "iniquitous" Hawley-Smoot Act before it was modified by the trade treaties. As against the \$458,000,000 increase in exports from 1933 to 1934, the increase from 1934 to 1935 was only \$149,000,000. The import situation, however, was just the reverse. From 1933 to 1934 our imports increased only \$205,000,000 as against an increase of \$392,000,000 between 1934 and 1935.

I should like to point out that when the Fordney-McCumber Tariff Act of 1922 was passed, the Democrats charged that it, too, would stifle our foreign trade, but our exports and imports increased every year up to and including 1929, when we exported merchandise of the value of \$5,240,000,000 as against imports of \$4,400,000,000.

## INCREASED IMPORTS THE RESULT RATHER THAN CAUSE OF DOMESTIC PROSPERITY

While large imports and prosperity go hand in hand, it is not true, as Secretary Hull and other free-traders attempt to make people believe, that imports are the cause of our prosperity. Rather, increased imports result from our prosperity. In good times we need more raw materials, and our people are able to afford more luxuries. If imports were the cause of prosperity, then it would necessarily follow that if we bought everything we needed abroad, we would reach the zenith of prosperity. Of course, any such notion is ridiculous, yet the whole trade-treaty program is founded on just such fallacious notions and theories as that.

Despite all the charges made by our Democratic brethren the Hawley-Smoot Tariff Act does not present an insurmountable barrier to foreign imports. Two-thirds of our imports on the basis of value now come in duty-free, which is more than can be said about the imports of most foreign countries, whose tariffs are purely arbitrary and do not represent an attempt merely to equalize foreign and domestic production costs.

I do not understand how Secretary Hull can characterize the 1930 tariff as a "suicidal effort at economic self-containment" in view of the fact that such a vast proportion of our imports are duty-free, and in view of the further fact that we have a tremendous importation of dutiable products, both agricultural and manufactured, in spite of the tariff duties which it imposes.

This reference to "self-containment" is just another argument used to attack the protective-tariff system and bolster support for the free-trade theories the administration is seeking to put into effect. I use the words "free trade" in a rather broad sense; but when rates are not protective, we might just as well have free trade. So far as I know, no one has ever proposed that we shut out all imports. It is recognized that there are many things which we do not produce which we must and will continue to buy abroad. Hence any effort to make people believe that the abandonment of the trade-treaty program means the erection of a Chinese wall around this country is just plain misrepresentation. The proponents of the program are so hard up for arguments that they have to set up "straw men" just to be able to knock them down again.

## TARIFF WILL BE A LEADING ISSUE IN ELECTION

In the coming election campaign, there is no question but that the tariff will be one of the leading issues before the country. The people will have the opportunity to determine the clear-cut question of whether they wish the present policy of "ruinous reciprocity" continued, or go back to the long-established Republican policy of giving American agriculture, industry, and labor the first chance to supply the needs of the domestic market.

It is going to be difficult for the administration to explain the inconsistency of its position in telling our farmers on



the one hand to restrict their production while on the other hand taking no steps to stop the flooding of our market with foreign agricultural products. The farmer has seen his foreign market disappear, and now the administration is taking his domestic market away from him.

Likewise it is going to be difficult for the administration to explain the inconsistency of its position in telling our employers on the one hand to put men back to work, while on the other hand, tearing down our tariff and permitting foreign competition to drive these employers out of business.

The administration talks about raising the wage level, but even the present wage level cannot be maintained if our workers must compete on equal terms with the cheap labor of Europe and the Orient.

Free trade is not the key to prosperity. As the German economist, List, has said:

Free trade is an idealism not to be engaged in until the people with whom you trade have the same living standards as your own, otherwise they will tear you down to their level.

Likewise, reduced tariffs are not the answer to the problem, since they also mean a lowering of the wage level and living standards. We must face the fact that our prosperity is based primarily on the home market. Our foreign trade is important, but incidental. It is to our interest to conserve the home market so far as possible for our own people. The Republican policy of protection is dedicated to that principle. The policy of the present Democratic administration, on the other hand, is to share that market with the world, notwithstanding the fact that two-thirds of our imports already come in duty-free. The people will determine next November which course they wish to follow in the future; and I have every confidence that they will reaffirm their belief in the Republican principle of protection as they have always done in the past after a short trial of Democratic free trade. [Applause.]

[Here the gavel fell.]

#### NATIONAL SAFETY AND ACCIDENT PREVENTION

Mr. O'NEAL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 11108) to advance a program of national safety and accident prevention.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 to be expended under the direction of the Secretary of Commerce for the furtherance of the work of the accident-prevention conference. Money appropriated pursuant to this act shall be available upon vouchers approved by the Secretary of Commerce for fostering accident-prevention work on the part of organizations engaged in the promotion of safety and accident prevention; preparation and printing of material designed to enlighten the general public in matters of safety and accident prevention, such material to be disseminated through schools, newspapers, magazines, the radio, or any other means of intercourse or communication; the preparation and attempts to obtain enactment of uniform vehicle regulations in the several States; clerical assistance for the members of the general committee of the Accident Prevention Conference; travel expenses incurred by members of the general committee of the Accident Prevention Conference in the furtherance of the work of the said conference.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### COMPACT BETWEEN CERTAIN STATES

Mr. CITRON. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 377, to enable the States of Maine, New Hampshire, New York, Vermont, Massachusetts, Rhode Island, and Connecticut to conserve and regulate the flow of and purify the waters of rivers and streams whose drainage basins lie within two or more of the said States.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the immediate consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

*Resolved, etc.,* That the consent of the Congress of the United States is hereby given to the States of Maine, New York, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, or any two or more of them, to negotiate and enter into agreements or compacts for conserving and regulating the flow, lessening flood damage, removing sources of pollution of the waters thereof, or making other public improvements on any rivers or streams whose drainage basins lie within any two or more of the said States.

SEC. 2. No such compact or agreement shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the legislatures of each of the States whose assent is contemplated by the terms of the compact or agreement and by the Congress.

With the following committee amendments:

Page 1, line 5, strike out the word "and"; and on page 1, line 6, after the word "Connecticut", insert "Pennsylvania, West Virginia, Kentucky, Indiana, Illinois, Tennessee, and Ohio."

The committee amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the joint resolution was amended to read: "Joint resolution to enable the States of Maine, New Hampshire, New York, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, West Virginia, Kentucky, Indiana, Illinois, Tennessee, and Ohio to conserve and regulate the flow of and purify the waters of rivers and streams whose drainage basins lie within two or more of the said States."

#### PERMISSION TO ADDRESS THE HOUSE

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent that on next Monday, immediately after the reading of the Journal and the disposition of business on the Speaker's table, I may be permitted to address the House for 30 minutes.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object—I do not think I shall object—next Monday is District day.

I do not see a member of the District Committee here who might want to make an objection, but I hope Members hereafter will be very reasonable in their requests along this line.

Mr. ROBSION of Kentucky. I may say that I was granted this time some time back, but I was ill and could not take advantage of it. I have been here for years and have not made many of these requests.

Mr. BANKHEAD. I am not going to object.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

#### PRIVATE CALENDAR

The SPEAKER. The Clerk will report the first omnibus bill on the Private Calendar.

The Clerk called the first bill, H. R. 9054, for the relief of sundry claimants, and for other purposes.

The Clerk read as follows:

Title I—(H. R. 971. For the relief of the Tevis Motor Co.)

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of \$415 to the Tevis Motor Co., a corporation with its principal place of business at St. Louis, Mo., said sum representing money collected from the sale of one Ford Tudor sedan, owned by said Tevis Motor Co., seized by the United States customs officials in the State of Florida and subsequently sold under the forfeiture and sales provisions of the National Prohibition Act, the proceeds from said sale being paid into the United States Treasury.

With the following committee amendment:

Page 2, line 1, strike out "said sum representing" and insert "in full settlement of all claims against the United States for", and after line 8, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or



agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, line 3, strike out all of title I.

Mr. COSTELLO. Mr. Speaker, this bill provides that the Tevis Motor Co. shall be paid the sum of \$415 for an automobile which was taken over by the prohibition agents and sold. This car had been sold by the Tevis Motor Co. on a conditional sales contract and was used in bootlegging. As a result it was confiscated by the Government. The court ordered that the car be sold, and in accordance with the court order it was sold and the sum of \$415 was received from the sale.

The Tevis Motor Co. failed to protect its rights, and it was not until after the sale had taken place that the company applied to the court for an order to restrain the sale and protect their title to the car. As a result of the failure of the company to protect its own rights, I feel they are not entitled to relief at this late date, and for this reason I oppose the passage of the bill and recommend that the amendment which I have just offered be adopted.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was agreed to.

The Clerk read as follows:

Title II—(H. R. 3559. For the relief of John L. Alcock.)

Whereas the Court of Claims of the United States, in the case of John L. Alcock, trading as John L. Alcock & Co., against United States (no. J 567), has ascertained and determined that John L. Alcock, having first obtained in January 1918 the authority and consent of the Spruce Production Division of the War Department and the necessary permits and releases from the War Department and the British Government, accepted in February 1918 foreign contracts or orders for the shipment and delivery from February 1918 to December 1918 of 6,000,000 feet of spruce and fir lumber to be exported for the use of the British Army for the prosecution of the war, and entered into contracts with the American mills for the production and shipment of said 6,000,000 feet of lumber; and

Whereas the said Court of Claims in said case has found that on April 6, 1918, the said Spruce Production Division of the War Department refused to permit any further shipments under the said contracts and foreign orders and on April 9, 1918, ordered the said contracts between the said Alcock and the American mills to be canceled; and

Whereas the said court has found that at the time of the promulgation of said order canceling the said contracts there was undelivered thereunder 5,290,363 feet of said lumber covered by said Alcock's foreign orders, and that had he been allowed to deliver the said lumber, Alcock would have received a profit of \$195,230.62, being the difference between what he would have received from the foreign purchasers upon delivery of the lumber, less commissions and ocean and inland freight, and the amount which he had agreed to pay to the American mills free on board cars at mills; and

Whereas the said court has determined that the said Alcock, under the act of Congress approved May 28, 1928 (Private, No. 226, 70th Cong. S. 3308), entitled "An act to confer jurisdiction on the Court of Claims to hear and determine the claim of John L. Alcock", has no right of recovery for the loss or damage sustained by him growing out of the withdrawal of the right of shipment under his foreign orders and the cancelation of his domestic contracts and for the unfulfilled portion of his said foreign orders; and

Whereas it was the purpose of Congress to confer jurisdiction upon the Court of Claims to hear, determine, and award compensation for the claim of the said Alcock for losses and/or damages sustained by him by reason of the prevention by governmental agencies of the performance of all the said contracts, executed or executory, for the shipment and delivery of said lumber: Therefore

That (1) the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim of the said John L. Alcock, and to award him compensation for losses and/or damages, if any, sustained by him by reason of the action of the officers of the Signal Corps and/or the spruce-production division of the War Department in promulgating the order refusing to permit any further shipments under his said contracts and foreign orders and directing the canceling of the said contracts of the said Alcock with the said American mills; and to enter a decree or judgment against the United States for

such losses and/or damages, with interest thereon at 6 percent from April 6, 1918, until paid, notwithstanding the executory character of such contracts and that there had been no delivery of title to him under his contracts with the American mills, such losses and/or damages to be measured by the difference between what he would have received from the foreign purchasers upon delivery of the lumber, free on board cars at mills, and the amount he had agreed to pay the American mills free on board cars at mills.

(2) The Court of Claims in the adjudication of the said claim is authorized in its discretion to use, in addition to any evidence that may be offered in any suit which may be brought under this act, the pleadings and evidence in the case of John L. Alcock & Co. against the United States (61 Ct. Cls. 312), and in the case of John L. Alcock & Co. against the United States (no. J-567), decided April 4, 1932.

(3) Suit hereunder may be instituted at any time within 4 months after the approval of this act, notwithstanding lapse of time or any statute of limitations, and proceedings therein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code as amended.

With the following committee amendment:

Beginning on line 22, page 2, strike out all the preamble, and in line 12, on page 4, strike out "with interest thereon at 6 percent from April 6, 1918, until paid."

The committee amendment was agreed to.

The Clerk read as follows:

Title III—(H. R. 3575. For the relief of Mrs. Lawrence Chlebeck)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Lawrence Chlebeck the sum of \$2,000 as compensation in full for injuries sustained in the United States customhouse building, St. Paul, Minn.

With the following committee amendment:

Page 6, line 2, strike out "\$2,000 as compensation in full", and insert "\$750, in full settlement of all claims against the United States" and in line 5, after the word "Minnesota" insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to, or received by, any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: On page 5, beginning with line 22, strike out all of title III.

Mr. HANCOCK of New York. Mr. Speaker, let me state the facts very briefly with reference to this claim. The claimant, Mrs. Chlebeck, says she fell in a post-office building because the steps were slippery. It seems the day on which this accident occurred was a wet day. There had been a light snowfall. People walked in and out of the building and the steps were necessarily made wet and somewhat slippery. Unfortunately this lady slipped and fell, either because the steps were wet or for some other reason.

In my humble judgment, there is no liability whatever. There would not be any liability on the part of a private owner of the building, in my opinion, and there is no liability on the part of the Government. It is just one of those unfortunate accidents. I find nothing in the record to indicate that the agents of the Government were guilty of any neglect or wrongdoing. I cannot see the theory on which the claim is based at all. We all know that snow is slippery, which, of course, cannot be helped. We know that people who walk in slippery places must be careful. The Government cannot insure people against falling down, and the Government is not responsible for the fact that it snows in the wintertime or that snow is slippery.

Mr. MAAS. Will the gentleman yield?

Mr. HANCOCK of New York. I yield to the gentleman from Minnesota.

Mr. MAAS. In St. Paul there is liability within buildings as well as without. This is clearly a case of negligence on the part of the Government. This snow had been tramped



into the building, and the accident occurred on a rather narrow, steep stairway that had been swept out once or twice, but then the janitor became negligent and left considerable snow there which had been tramped in. The steps became wet and slippery. This woman slipped and fell purely through the negligence of the Government. Had the accident occurred in a private building, I may say to the gentleman, the owners of the building would have been liable, and they would have had to pay a great deal more than the modest sum asked for in this bill.

Mr. Speaker, this woman has raised 14 children. Her earning capacity has been very materially reduced, if not practically destroyed. She has carried on the best way she possibly can. I may say we have constantly paid claims where a Government truck has backed into somebody, and I do not see any difference so far as this case is concerned.

Mr. HANCOCK of New York. Mr. Speaker, it is a question of opinion purely. There are many good lawyers here. I have no pride of opinion, but it seems to me in a case of this sort and under the circumstances there is no liability on the part of the Government. I think the Members fully understand the facts. People going in and out of a public building on wet, snowy days track snow in there and the steps become slippery. This woman fell under those circumstances, and that is all there is to the matter.

I simply say very modestly that in my opinion there would not be any liability on the part of a private owner. Other gentlemen may disagree with me, but I have stated the facts, and the House may reach its own conclusion.

Mr. MAAS. Is not that a pretty hard and cold-blooded attitude to take?

Mr. HANCOCK of New York. Well, it is very easy to be generous with Government funds. I do not think we have any right to make gratuity settlements with respect to claims against the Government based on facts which would not warrant a recovery in a private action.

Mr. MAAS. That is a question of fact. In Minnesota you could recover on the facts involved in this case if it were a private owner.

Mr. HANCOCK of New York. That is a question of opinion, too. I submit the matter to the judgment of the House.

Mr. EKWALL. Mr. Speaker, I rise in opposition to the amendment.

I investigated this claim. In years gone by I have sat in the trial of many personal-injury cases. I am positive from the facts adduced in the hearing on this bill that it is a case which in court would have gone to a jury and in which a recovery would have been had. The Government was clearly liable in that it failed to take the ordinary precaution of using sand or some similar substance to keep the stairway from being slippery. This lady, who is the mother of 14 children—of course, this has nothing to do with the question of liability—slipped and fell and broke her wrist and partially paralyzed her arm. The claim was reduced from \$2,000 to \$750. The committee went into the claim very carefully.

There are a number of lawyers on this committee who have had experience in this line and the report is a unanimous one to the effect that there is liability in the case, and I therefore believe the amendment should be voted down.

The SPEAKER pro tempore (Mr. DRIVER). The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The amendment was rejected.

The Clerk read as follows:

Title IV—(H. R. 3729. To confer jurisdiction upon the United States Court of Claims to hear and determine the claims of Henry W. Bibus, Annie Ulrick, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, Laura B. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania.)

That (1) the Court of Claims of the United States be, and it hereby is, given jurisdiction to hear and determine the claims of Henry W. Bibus, Annie Ulrick, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, Laura B. Margerum, and George

H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania, and severally to award judgments covering compensation for losses and/or damages arising through the seizure, condemnation, and sale of those certain lands, theretofore belonging to them, more specifically described in the decree of the District Court of the United States for the Eastern District of Pennsylvania, on June 9, 1921, in a proceeding entitled "United States of America against Certain Tract of Land in Falls Township and borough of Tullytown, Bucks County, Pennsylvania", December term, 1918, no. 5860, notwithstanding the fact that said claimants executed and delivered deeds pursuant to the said decree of the court in the above-entitled matter, and, notwithstanding that said claimants were paid the respective amounts set forth in said decree, the said losses and/or damages to be awarded to be the difference between the entire amount paid by the Government for the whole tract and the amount for which the Government subsequently sold the tract, as the respective interests of the claimants may appear, together with interest thereon at the rate of 6 percent per annum from the date of the Government's entry upon the land, to wit, October 1, 1918, until paid.

(2) Suit hereunder may be instituted at any time within 4 months after the approval of this act, notwithstanding lapse of time or any statute of limitations, and proceedings herein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code as amended.

Amend the title so as to read: "A bill to confer jurisdiction upon the United States Court of Claims to hear and determine the claims of Henry W. Bibus, Annie Ulrick, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, estate of Harry B. C. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania."

With the following committee amendments:

Page 7, line 4, strike out "Laura B. Margerum" and insert "estate of Harry B. C. Margerum."

Page 7, line 25, strike out "together with interest thereon at the rate of 6 percent per annum from the date of the Government's entry upon the land, to wit, October 1, 1918, until paid."

Amend the title.

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 6, line 18, strike out all of title IV.

Mr. COSTELLO. Mr. Speaker, this bill involves a tract of land taken over by the Government during the war to be used in connection with a munitions plant in Pennsylvania. The land was taken over on October 1, 1918, as a result of a condemnation suit. The owners were paid for this land in excess of the sum of \$472,000. The Government kept the property until 1927, when the land was sold as being of no further use to the Government.

Prior to the sale of the ground the Government was offered a rather large sum for the property, due to the fact that underlying the soil there were valuable deposits of gravel and sand. Prior to the Government taking over the property it was used solely as agricultural land and at the time of the condemnation the owners of the property did not set up its value as gravel-bearing or sand-bearing soil, with an extremely high value; but it was taken over as agricultural land.

Now, as a result of the sale of this property by the Government and an increased value because of the nature of the soil, the former owners are attempting to come in here and get the right to go to the Court of Claims and recover the difference between the amount the court allowed them and the amount which the Government received; namely, \$1,620,000.

Apparently the idea seems to be that the Government is not entitled to any profit upon any property of this sort, even though a period of years may have elapsed, and these people want to come in and reap the benefit of a subsequently discovered value in the property.

I do not believe the claimants are entitled to this relief. I think the Federal Government should be entitled to keep the \$1,000,000 increase in the value of the property which they received as a result of its sale, and I recommend that the amendment which I have offered be adopted.

Mr. FREY. Mr. Speaker, I rise in opposition to the amendment. If the background of this bill were as stated by the gentleman from California [Mr. COSTELLO], I would probably agree with him. It is not the fact, however, that



the claimants did not know of the gravel and sand content of their land which was taken by the Government. They certainly did know that the land contained the finest gravel to be found near the Atlantic coast. What is more, the purchasers of the land from the Government had previously negotiated with the claimants, the owners of the land, for the purchase of their property because of the gravel and sand content.

Another reason I cannot agree with the gentleman from California is the fact that this land was not taken by the Government in October 1918. On the contrary, in the early part of 1918 the Government, by its agents, called upon the claimants and took leases for their farms upon the representation that they were necessary for governmental purposes, to wit, to build an arsenal. These leases ran for a period of 6 months and contained an option to buy. Of course, the Government had the right at the expiration of the leases to remove all its personal property. Before the expiration of the leases, agents of the Government called upon the claimants and told them they would not be paid any more rent as the Government proposed to condemn the property and build a permanent arsenal, and that there had been a contract entered into between the Government and the Foundation Co. of America for the construction of a bag-loading plant. Work started in May, and on the date of the armistice and the end of the war, November 11, 1918, it was in a partial state of completion.

This partially completed contract was suspended on November 12, 1918. Up until that time there had been no factory erected upon the acreage, the buildings consisting principally of houses for the personnel. Notwithstanding the war was over, and notwithstanding the contract for the erection of the arsenal and bag-loading plant had been suspended, the United States, on January 7, 1919, filed a petition for condemnation in the United States District Court for the Eastern District of Pennsylvania to condemn the lands of these claimants.

On January 14, 1919, 7 days after this petition was filed, the contract was canceled and no more work was done or money expended by the Government. The fact that all work was suspended and the contract definitely canceled was withheld from the court in which the condemnation proceedings had been begun. The matter then proceeded in a leisurely fashion, and the jury of view filed its report on May 6, 1921, over 2 years after the beginning of the action. The Government again failed to disclose to the court these facts, when, on June 9, 1929, a final decree of condemnation was obtained.

In deciding upon your vote, I ask you to remember that the condemnation proceedings were begun in January 1919; that the claimants—the owners—did know of the gravel and sand content of their land; that they had refused to enter into negotiations for the purchase and sale of their land before the war, as well as the further facts that the contract for the construction of the loading plant was definitely canceled on January 14, 1919, and that no work had been done by the Government or money expended upon the land after the signing of the armistice on November 11, 1918.

In December 1927, after the sale and removal by the Government of the personal property, the land was sold for almost five times the amount of money the Government had paid the claimants. This increase in the sale price is admitted to have been due to the gravel and sand content of the land, known to the claimants at the time the Government condemned the property, known to the Government officials themselves, and certainly known to the purchasers of the property.

All the claimants ask is that the Government return to them the money received from the purchasers for the claimants' land which had been taken from them upon the representation that the land was to be used for the manufacture of munitions for war.

Mr. KENNEDY of Maryland. Will the gentleman yield?

Mr. FREY. I yield.

Mr. KENNEDY of Maryland. All they ask is to go into the Court of Claims and have the same rights that they had at the time of the negotiations.

Mr. FREY. Yes. We are not asking for any appropriation; we are asking to be heard in the Court of Claims.

Mr. LAMNECK. Will the gentleman yield?

Mr. FREY. Yes.

Mr. LAMNECK. What was the date the Government paid for this property?

Mr. FREY. On or about June 25, 1921, the Government deposited the money in the registry of the court at Philadelphia.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California.

The question was taken and the amendment was rejected.

The Clerk read as follows:

Title V—(H. R. 3907. For the relief of James L. Park)

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James L. Park, of Philadelphia, Pa., the sum of \$2,000. Such sum represents the amount of two Liberty bonds of the face value of \$2,000 deposited by the said James L. Park with the United States District Court for the Southern District of Florida to secure the appearance in such court of Charles Park and Ned Shaw.

With the following committee amendments:

Page 8, line 15, after the figures, insert "in full settlement of all claims against the United States."

Page 9, line 1, strike out the period, insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The Clerk read, as follows:

Title VI—(H. R. 4841. For the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department)

Mr. KENNEDY of Maryland. Mr. Speaker, a similar Senate bill has already been passed. Therefore, I move to strike out title 6 of the bill.

The motion was agreed to.

The Clerk read as follows:

Title VII—(S. 537. For the relief of C. O. Meyer)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. O. Meyer the sum of \$297.86. Such sum represents the amount paid to C. O. Meyer as substitute carrier while he was postmaster at Meyers Mill, S. C., and which amount was charged by the Department to the account of C. O. Meyer: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 22, line 12, after the figures, insert "in full settlement of all claims against the Government of the United States."

The amendment was agreed to.

The Clerk read as follows:

Title VIII—(S. 560. For the relief of the Western Electric Co., Inc.)

That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Western Electric Co., Inc., the sum of \$7,192.35, in full satisfaction for services and materials furnished the War Department in connection with a contract dated June 5, 1920, and for completing certain work in connection with subaqueous sound-ranging equipment for seacoast defenses: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact,



collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

**Title IX—(S. 760. For the relief of Harry P. Hollidge)**

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry P. Hollidge, the sum of \$903.70, in full settlement of all claims against the Government for damages to his automobile as the result of a collision with a Packard truck belonging to the War Department, said collision occurring on the evening of March 27, 1919, on the Baltimore-Washington Pike: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

**Title X—(S. 920. For the relief of Ruth J. Barnes)**

That the Chief of Finance of the Army shall cause to be paid to Ruth J. Barnes, wife of Joseph A. Barnes, late of the Air Corps Reserve, Air Service, United States Army, who was killed while engaged in flying at the Brooks Field, Tex., on October 12, 1932, an amount equal to 6 months' pay at the rate the said Joseph B. Barnes was receiving at the date of his death. Such amount shall be paid from funds appropriated for pay of the Army.

**Title XI—(S. 1360. For the relief of Teresa de Prevost)**

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Teresa de Prevost the sum of \$25,000, in full satisfaction of her claim against the United States for losses sustained by reason of alleged irregularities in the distribution through the State Department to claimants under the so-called Alsop award of July 4, 1911, made by the King of Great Britain as arbitrator: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COSTELLO. Mr. Speaker, I offer the following amendments which I send to the desk and ask to have read. The Clerk read as follows:

Amendments offered by Mr. COSTELLO: Page 25, line 10, after the word "of", insert "estate of."

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from California. The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 25, line 14, after the word "to", insert "the estate of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

**FURTHER MESSAGE FROM THE SENATE**

A further message from the Senate by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the amendment of the House to the amendment of the Senate no. 26, disagrees to the amendment of the House to the amendment of the Senate no. 49, further insists upon its amendments nos. 48 and 52 to the bill (H. R. 10919) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes", asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr.

STEIWER, and Mr. NORBECK to be the conferees on the part of the Senate.

**CALL OF THE HOUSE**

Mr. RICH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. COOPER of Tennessee. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

**[Roll No. 99]**

Adair	Eaton	Lee, Okla.	Romjue
Andrew, Mass.	Ellenbogen	Lehlbach	Russell
Andrews, N. Y.	Fenerty	Lemke	Sabath
Barden	Ferguson	Lesinski	Sadowski
Berlin	Fitzpatrick	Lundeen	Sanders, La.
Bolton	Gambrill	McGroarty	Sandlin
Brennan	Gassaway	McKeough	Schaefer
Brewster	Gifford	McLean	Schuetz
Brooks	Gingery	McSwain	Sears
Buckler, Minn.	Gray, Pa.	Malone	Seger
Buckley, N. Y.	Green	Marcanonio	Sisson
Bulwinkle	Greenway	Meeks	Smith, W. Va.
Caldwell	Greenwood	Miller	Snyder, Pa.
Cartwright	Gwinne	Mitchell, Tenn.	Starnes
Cary	Hamlin	Montague	Stegall
Casey	Hancock, N. C.	Montet	Stewart
Cavichia	Harter	Moran	Taber
Chapman	Hartley	Nelson	Taylor, Colo.
Claiborne	Hess	Nichols	Utterback
Clark, Idaho	Hill, Samuel B.	Norton	Wearin
Conner	Hoeppel	O'Day	Weaver
Cummings	Hollister	Palmisano	Wigglesworth
Dear	Hook	Parks	Wilcox
Dempsey	Hope	Perkins	Williams
DeRouen	Kee	Peterson, Fla.	Wilson, La.
Dietrich	Keller	Pierce	Withrow
Dingell	Kerr	Rabaut	Wolfenden
Dirksen	Kleberg	Ransley	Wolverton
Eagle	Lea, Calif.	Risk	Zioncheck

The SPEAKER pro tempore. Three hundred and nine Members have answered to their names. A quorum is present.

Without objection, further proceedings under the call were dispensed with.

**UNIFORM SYSTEM OF BANKRUPTCY**

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that the communication received from the Senate with regard to the bill H. R. 8940 be laid before the House.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. The Chair lays before the House the request of the Senate referred to by the gentleman from Texas, which the Clerk will report.

The Clerk read as follows:

**THE SENATE OF THE UNITED STATES,  
May 12 (calendar day, May 18), 1936.**

*Ordered*, That the Secretary be directed to request the House to return to the Senate the bill H. R. 8940, an act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto, with the Senate amendments and all papers pertaining thereto.

The SPEAKER pro tempore. Without objection, the request of the Senate will be acceded to.

There was no objection.

**PRIVATE CALENDAR**

The Clerk will call the next omnibus bill on the Private Calendar.

The Clerk called the next bill, H. R. 9112, for the relief of sundry claimants, and for other purposes.

The Clerk read as follows:

**Title I—(H. R. 237. For the relief of the Rowesville Oil Co.)**

That the statutes of limitation so far as they bar the linters claim of the Rowesville Oil Co., now owned by the estate of W. C. Fahey, against the United States of America, arising out of contract had with the Government, expiring July 31, 1919, be, and the same are hereby, waived and revoked.



Sec. 2. That said claimant is hereby authorized to file and have said claim adjudicated by the Court of Claims of the United States.

Title II—(H. R. 254. For the relief of the Farmers' Storage & Fertilizer Co., of Aiken, S. C.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay the Farmers' Storage & Fertilizer Co., of Aiken, S. C., out of any money in the Treasury not otherwise appropriated, the sum of \$4,967.97, which represents the balance due and unpaid on 123 bales of lintners purchased under contract by the United States Government through its agents on December 31, 1918.

With the following committee amendment:

Strike out all of lines 7 to 14, both inclusive, on page 2, and insert: "That the statutes of limitation, so far as they bar the lintners' claim of the Farmers' Storage & Fertilizer Co., of Aiken, S. C., now owned by Wesley Johnson, against the United States of America, arising out of contract had with the Government, expiring January 1, 19 , be, and the same are hereby, waived and revoked."

Mr. BEITER. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BEITER: Page 2, line 19, after "January 1", strike out "19" and insert in lieu thereof "1918."

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The Clerk read as follows:

Title III—(H. R. 3790. For the relief of Walter W. Johnston)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Walter W. Johnston, out of any money in the Treasury not otherwise appropriated, the sum of \$5,495 as full compensation to him, the said Walter W. Johnston, for personal services rendered to the United States Shipping Board Emergency Fleet Corporation and the use of appliances personally owned and operated by him in connection with the launching of ships for the United States Shipping Board Emergency Fleet Corporation for carrying on the war. The ships were launched at the shipyards of the fourth and other districts during the year 1918 and subsequent thereto, said work being done by order of and under the direction of the district supervisor of the United States Shipping Board Emergency Fleet Corporation, and for which services and use of his devices the claimant has not been fully compensated by the United States Shipping Board Emergency Fleet Corporation or the United States.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 2, line 21, strike out all of title III.

Mr. COSTELLO. Mr. Speaker, this bill provides for the payment of \$5,495 to Walter W. Johnston, who had developed during the war a method for the launching of ships. In order to obtain recovery Johnston took his case to the Court of Claims and was given judgment. As a part of the judgment, the sum of \$5,495, which was paid by private ship-building companies to him as salary and expenses, was alleged by the Government as not to be due him from the Government, and that that amount should therefore be deducted from the \$20,000 which Johnston recovered in this judgment in the Court of Claims. Johnston alleges that this sum of \$5,495 was not salary but was only his expense money. He, therefore, contends that it should not be deducted from the judgment of \$20,000, whereas the Government takes the opposite attitude. The Government also feels that the decision of the court should be final and that it should not be reopened by Congress going behind the decision and making payment of this sum of money. In my opinion, the motion to strike out the title should be adopted and the sum of \$5,495 should not be paid to Walter W. Johnston.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. RICH. As I understand, the gentleman has asked that the sum of \$5,495 be reduced in this claim? Is that it?

Mr. COSTELLO. My motion is to strike out the entire title.

Mr. RICH. I think if the membership will read the statement put in the RECORD yesterday by the gentleman from Missouri [Mr. COCHRAN], giving the reasons why the claim should be rejected, they will agree with the gentleman.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was agreed to.

The Clerk read as follows:

Title IV—(H. R. 1618. For the relief of Anna McDonald)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of \$422.50, with interest, to Anna McDonald, being in full settlement of all claims against the Government in the name of her deceased husband, James McDonald, who served in the Civil War, said claim having been approved by the Court of Claims, February 6, 1905.

With the following committee amendment:

On page 3, line 20, strike out the figures "\$422.50" and insert in lieu thereof "\$422.45."

The committee amendment was agreed to.

The Clerk read as follows:

Title V—(H. R. 4059. For the relief of Ella B. Kimball, daughter and only heir of Jeremiah Simonson)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella B. Kimball, daughter and only heir of Jeremiah Simonson, the sum of \$16,441.81, being the amount found due by the Court of Claims, as reported to Congress in Senate Document No. 320, Fifty-ninth Congress, second session, and also contained in Court of Claims Congressional Cases, volume 16, page 703.

Title VI—(H. R. 6356. To carry out the findings of the Court of Claims in the case of Joseph G. Grissom)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Joseph G. Grissom, widow of Joseph G. Grissom, late a second lieutenant, Company H, One Hundred and Thirtieth Regiment Indiana Volunteer Infantry, \$1,208.19, being for 12½ months' extra pay proper of his grade in the Volunteer service, due him at the time of his honorable discharge.

With the following committee amendment:

Page 4, line 21, strike out "\$1,208.19" and insert in lieu thereof "\$1,153.43."

The committee amendment was agreed to.

Title VII—(H. R. 7727. To confer jurisdiction on the Court of Claims to hear and determine the claim of George B. Marx, Inc.)

That the Court of Claims of the United States be, and it is hereby, given jurisdiction to hear and determine the claims, legal or equitable, of George B. Marx, Inc., a New York corporation, and assignee or successor of George B. Marx, growing out of or arising under or from the suspension and cancellation of a certain contract no. 4241, dated August 6, 1918 (order no. 110016), which claims are for reimbursement and payment for services performed and goods furnished under said contract and order, for goods manufactured or in process of manufacture, and for materials and equipment bought, contracted, or committed for by George B. Marx under the said contract, which contract was made by the United States with the said George B. Marx for the construction of a quantity of carts for carrying wire for the use of the Signal Corps, United States Army; and to enter decree or judgment upon said claims, notwithstanding the bars or defenses of any settlement, release, or adjustment heretofore made or of any assignment of said claims, by George B. Marx to George B. Marx, Inc., or of laches, lapse of time, or of any statute of limitations: *Provided, however*, That the United States shall be given credit for any sum heretofore paid the said George B. Marx on said claims.

Sec. 2. The record, or any part of the record, of the proceedings and hearings had before the Committee on War Claims of the House of Representatives on H. R. 1611 in the second session of the Seventy-first Congress and the third session of the Seventy-first Congress, together with any and all exhibits, affidavits, or inventories presented to or filed with the said War Claims Committee of the House of Representatives in connection with said act, and together with any and all Government reports, statements, inventories, and other documents, on file in the War Department or any other department of the Government or elsewhere, having a bearing upon the claim embodied in said act, may be introduced before the Court of Claims with the full force of depositions, subject to objections as to materiality and relevancy.

Sec. 3. Such claims may be instituted at any time within 4 months from the approval of this act. Proceedings in any suit brought in the Court of Claims under this act, appeals therefrom, and payment of any judgment therein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

Title VIII—(S. 2520. For the relief of T. D. Randall & Co.)

That the claim of T. D. Randall & Co. growing out of losses and/or damages suffered under purchase orders nos. 1904, and 1914 to 1919, both inclusive, for furnishing hay to the Army during the late war, is hereby referred to the United States Court of Claims,



with jurisdiction to hear the same to judgment and to adjudicate the same upon the basis of the losses and/or damages suffered due to car shortage and/or other war conditions: *Provided*, That suit on such claim may be instituted at any time within 4 months after the date of enactment of this act, notwithstanding the lapse of time or any statute of limitations.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The Clerk called the next bill, H. R. 9195, for the relief of sundry claimants, and for other purposes.

The Clerk read as follows:

Title I—(S. 1186. For the relief of Frank P. Ross)

That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon the claim of Frank P. Ross, of Tacoma, Wash., against the United States, for damages arising out of the patenting to another person of lands in Pacific County, Wash., which had been selected or entered by said Frank P. Ross under the homestead laws, and for damages arising out of the subsequent cutting of timber from such lands.

SEC. 2. Suit upon such claim may be instituted at any time within 1 year after the date of enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon, shall be in the same manner as in the case of claims over which said court has jurisdiction under section 145 of the Judicial Code, as amended.

Title II—(S. 1490. For the relief of Earl A. Ross)

That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon the claim of Earl A. Ross, of Chicago, Ill., for damages arising out of the patenting to another person of lands in Pacific County, Wash., which had been selected or entered by said Earl A. Ross, under the homestead laws, and for damages arising out of the subsequent cutting of timber from such lands.

SEC. 2. Suit upon such claim may be instituted at any time within 1 year after date of enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, and appeals from and payment of any judgment thereon, shall be in the same manner as in the case of claims over which said court has jurisdiction under section 145 of the Judicial Code, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CALL OF THE HOUSE

Mr. RICH. Mr. Speaker, we are passing important legislation today, and I make the point of order there is not a quorum present. The Members should be here to know what is going on.

The SPEAKER pro tempore. The Chair will count. [After counting.] Evidently there is not a quorum present.

Mr. COSTELLO. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 100]

Adair	Dempsey	Hartley	Mansfield
Andresen	DeRouen	Healey	Marcantonio
Andrew, Mass.	Dietrich	Hennings	Marshall
Andrews, N. Y.	Dingell	Hess	Mead
Ayers	Dirksen	Hill, Ala.	Meeks
Bacharach	Ditter	Hill, Samuel B.	Mitchell, Tenn.
Barden	Driscoll	Hoeppel	Montague
Beam	Dunn, Miss.	Hoffman	Montet
Berlin	Eagle	Hollister	Moran
Bolton	Eaton	Hook	Nelson
Boykin	Eckert	Hope	Nichols
Brennan	Fenerty	Johnson, W. Va.	Norton
Brooks	Ferguson	Kee	O'Day
Buckley, N. Y.	Fernandez	Keller	Oliver
Bulwinkle	Fish	Kelly	O'Malley
Burdick	Fitzpatrick	Kenney	Owen
Caldwell	Flannagan	Kerr	Palmisano
Carmichael	Ford, Calif.	Kieberg	Parks
Carey	Fuller	Kopplemann	Perkins
Casey	Gambrill	Lea, Calif.	Peterson, Fla.
Cavicchia	Gassaway	Lee, Okla.	Powers
Celler	Gehrmann	Lehlbach	Rabaut
Chapman	Gifford	Lesinski	Randolph
Claborne	Gillette	Lord	Ransley
Clark, Idaho	Goldsborough	Lucas	Rayburn
Cole, Md.	Green	Ludlow	Risk
Collins	Greenway	Lundeen	Russell
Connery	Greenwood	McGroarty	Ryan
Cornling	Gwynne	McKeough	Sabath
Cross, Tex.	Hamlin	McLean	Sadowski
Cummings	Hancock, N. C.	McLeod	Sanders, La.
Dear	Harter	Maloney	Sandlin

Schaefer	Smith, W. Va.	Taylor, Colo.	Withrow
Schneider, Wis.	Starnes	Utterback	Wolverton
Schuetz	Steagall	Wearin	Wood
Sears	Stewart	Weaver	Zioncheck
Seger	Sullivan	West	
Shannon	Sumners, Tex.	Wigglesworth	
Sisson	Taber	Wilcox	

The SPEAKER pro tempore. Two hundred and seventy-two Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

#### PRIVATE CALENDAR

The SPEAKER pro tempore. The Clerk will call the next omnibus claims bill.

The Clerk called the next bill, H. R. 11214, for the relief of sundry claimants, and for other purposes.

The Clerk read as follows:

Title I—(H. R. 1105. For the relief of Lucy Jane Ayer.) By Mr. HOLLISTER

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lucy Jane Ayer, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 as compensation for personal injuries caused as a result of an accident involving an Army vehicle near Dodsonville, Ohio, on September 24, 1933.

With the following committee amendments:

Page 1, line 8, strike out "\$10,000 as compensation" and insert in lieu thereof "\$4,000 in full settlement of all claims against the United States for personal injuries."

At the end of the bill add a new proviso, as follows: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, line 3, strike out "title I."

Mr. COSTELLO. Mr. Speaker, in explanation of this amendment I may say that the bill provides for the payment of \$4,000 to a woman who was injured as the result of an accident on a highway in Ohio. The claimant's husband had parked their car upon the highway in order to change a tire. As a result of the car being so parked on the highway, two Army trucks had difficulty in passing, and the second truck in passing caused a soldier to be thrown from the truck, who struck the claimant. She sustained various injuries.

Mr. Speaker, I am opposed to the passage of the bill because of the fact the claimant parked the car upon the highway in the line of travel of vehicles, that the car being so parked was an act of negligence.

Mr. Speaker, I hope the amendment will be favorably considered.

Mr. EKWALL. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I think this is a most meritorious claim. The claimant and her husband were in a place where they had a perfect right to be. The Government truck was operated in a very negligent manner, and the claimant was seriously injured. This claim was gone into very thoroughly and, as I remember, there was a unanimous report from the Claims Committee.

I do not think there can be any question as to the legal liability of the Government, and I am of the opinion the amendment should be voted down.

The SPEAKER. The question is on the amendment of the gentleman from California.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 23, noes 56.

Mr. BLANTON. Mr. Speaker, I object to the vote on the ground there is not a quorum present.



The SPEAKER. The Chair will count. [After counting.] One hundred and thirty-five Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 50, nays 227, answered "present" 1, not voting 148, as follows:

## [Roll No. 101]

## YEAS—50

Amlie	Duffey, Ohio	Imhoff	Michener
Blanton	Duffy, N. Y.	Jacobsen	Patterson
Boehne	Duncan	Jones	Pearson
Brown, Mich.	Paddis	Kloeb	Polk
Carter	Farley	Kniffin	Rankin
Castellow	Fletcher	Larrabee	Rich
Cochran	Ford, Miss.	Luckey	Taylor, S. C.
Colden	Fulmer	Ludlow	Turner
Colmer	Gray, Ind.	McFarlane	Warren
Cooper, Tenn.	Gray, Pa.	McGrath	Whittington
Costello	Hancock, N. Y.	Mahon	Wolcott
Dies	Hobbs	Mapes	
Doxey	Huddleston	May	

## NAYS—227

Allen	Dobbins	Kramer	Rogers, Okla.
Arends	Dondero	Kvale	Romjue
Ashbrook	Dorsey	Lambertson	Sanders, Tex.
Ayers	Doughton	Lambeth	Sandlin
Bacharach	Drewry	Lamneck	Sauthoff
Bacon	Driver	Lanham	Scott
Bankhead	Dunn, Pa.	Lemke	Scrugham
Barry	Eckert	Lewis, Colo.	Secrest
Belter	Edmiston	Lucas	Shanley
Bell	Elcher	McAndrews	Short
Binderup	Ekwall	McClellan	Sirovich
Blackney	Ellenbogen	McCormack	Smith, Conn.
Eland	Engel	McGehee	Smith, Va.
Bloom	Englebright	McLaughlin	Smith, Wash.
Boileau	Evans	McMillan	Snell
Boland	Fiesinger	McReynolds	Snyder, Pa.
Boykin	Fish	Maas	Somers, N. Y.
Boylan	Flannagan	Main	South
Brennan	Focht	Martin, Colo.	Spence
Brewster	Frey	Martin, Mass.	Stack
Brooks	Fuller	Mason	Stefan
Brown, Ga.	Gavagan	Massingale	Stubbs
Buck	Gearhart	Maverick	Sullivan
Buckler, Minn.	Gilchrist	Merritt, Conn.	Sutphin
Burch	Gildea	Merritt, N. Y.	Tarver
Burdick	Gillette	Millard	Taylor, Tenn.
Cannon, Mo.	Gingery	Miller	Terry
Carlson	Goodwin	Mitchell, Ill.	Thom
Carpenter	Granfield	Monaghan	Thomason
Cartwright	Greenwood	Moritz	Thompson
Celler	Greever	Mott	Thurston
Chandler	Gregory	O'Brien	Tinkham
Christianson	Griswold	O'Connell	Tobey
Church	Guyer	O'Connor	Tolan
Citron	Haines	O'Leary	Tonry
Clark, N. C.	Halleck	O'Neal	Treadway
Cole, N. Y.	Harlan	Owen	Turpin
Cooley	Hart	Parsons	Umstead
Cooper, Ohio	Hennings	Patman	Vinson, Ga.
Corning	Higgins, Conn.	Peterson, Ga.	Vinson, Ky.
Cox	Higgins, Mass.	Pettengill	Wallgren
Cravens	Hildebrandt	Pfeifer	Walter
Crawford	Hill, Knute	Pittenger	Welch
Crosby	Holmes	Plumley	Werner
Crosser, Ohio	Houston	Ramsay	Whelchel
Crowe	Hull	Ramspeck	White
Culkin	Jenckes, Ind.	Randolph	Williams
Cullen	Jenkins, Ohio	Reece	Wilson, La.
Curley	Johnson, Okla.	Reed, Ill.	Wilson, Pa.
Daly	Johnson, Tex.	Reed, N. Y.	Withrow
Darden	Kahn	Reilly	Wolfenden
Darrow	Kennedy, Md.	Richards	Wood
Deen	Kennedy, N. Y.	Richardson	Woodruff
Delaney	Kenney	Robertson	Woodrum
Dickstein	Kinzer	Robinson, Utah	Young
Disney	Knutson	Rogers, Mass.	Zimmerman
Ditter	Kocialkowski	Rogers, N. H.	

## ANSWERED "PRESENT"—1

Biermann

## NOT VOTING—148

Adair	Cary	Dempsey	Ford, Calif.
Andersen	Casey	DeRouen	Gambrill
Andrew, Mass.	Cavichia	Dietrich	Gasque
Andrews, N. Y.	Chapman	Dingell	Gassaway
Barden	Claiborne	Dirksen	Gehrmann
Beam	Clark, Idaho	Dockweiler	Gifford
Berlin	Coffee	Doutrich	Goldsbrough
Bolton	Cole, Md.	Driscoll	Green
Buchanan	Collins	Dunn, Miss.	Greenway
Buckley, N. Y.	Connery	Eagle	Gwynne
Bulwinkle	Creal	Eaton	Hamlin
Burnham	Cross, Tex.	Fenerty	Hancock, N. C.
Caldwell	Crowther	Ferguson	Harter
Cannon, Wis.	Cummings	Fernandez	Hartley
Carmichael	Dear	Fitzpatrick	Healey

Hess	McGroarty	Palmisano	Schulte
Hill, Ala.	McKeough	Parks	Sears
Hill, Samuel B.	McLean	Patton	Seger
Hoeppel	McLeod	Perkins	Shannon
Hoffman	McSwain	Peterson, Fla.	Sisson
Hollister	Maloney	Peyser	Smith, W. Va.
Hook	Mansfield	Pierce	Starnes
Hope	Marcantonio	Powers	Steagall
Johnson, W. Va.	Marshall	Quinn	Stewart
Kee	Mead	Rabaut	Sumners, Tex.
Keller	Meeks	Ransley	Sweeney
Kelly	Mitchell, Tenn.	Rayburn	Taber
Kerr	Montague	Risk	Taylor, Colo.
Kleberg	Montet	Robison, Ky.	Utterback
Kopplemann	Moran	Russell	Wadsworth
Lea, Calif.	Murdock	Ryan	Wearin
Lee, Okla.	Nelson	Sabath	Weaver
Lehibach	Nichols	Sadowski	West
Lesinski	Norton	Sanders, La.	Wigglesworth
Lewis, Md.	O'Day	Schaefer	Wilcox
Lord	Oliver	Schneider, Wis.	Wolverton
Lundeen	O'Malley	Schuetz	Zioncheck

So the amendment was rejected.

The Clerk announced the following pairs:

## General pairs:

Mr. Sears with Mr. Wadsworth.  
 Mr. Mead with Mr. Ransley.  
 Mr. Weaver with Mr. Lehibach.  
 Mr. Beam with Mr. Dirksen.  
 Mr. Schulte with Mr. Bolton.  
 Mr. Fernandez with Mr. Hartley.  
 Mr. Gasque with Mr. Lord.  
 Mr. Mansfield with Mr. Andrew of Massachusetts.  
 Mr. Taylor of Colorado with Mr. Burnham.  
 Mr. Hancock of North Carolina with Mr. Eaton.  
 Mr. Lea of California with Mr. Hollister.  
 Mr. Kelly with Mr. McLean.  
 Mr. Buchanan with Mr. Taber.  
 Mr. Steagall with Mr. Wolverton.  
 Mr. Kleberg with Mr. Perkins.  
 Mr. McSwain with Mr. Andresen.  
 Mr. Cary with Mr. Gwynne.  
 Mr. Dingell with Mr. McLeod.  
 Mr. Fitzpatrick with Mr. Risk.  
 Mr. Chapman with Mr. Wigglesworth.  
 Mr. Wilcox with Mr. Powers.  
 Mr. Maloney with Mr. Hess.  
 Mr. Green with Mr. Seger.  
 Mr. Connery with Mr. Andrews of New York.  
 Mr. Montague with Mr. Cavichia.  
 Mr. Kerr with Mr. Doutrich.  
 Mr. Bulwinkle with Mr. Hoffman.  
 Mr. Rayburn with Mr. Robison of Kentucky.  
 Mr. Patton with Mr. Stewart.  
 Mr. Gambrill with Mr. Marshall.  
 Mr. Cole of Maryland with Mr. Hope.  
 Mrs. Norton with Mr. Crowder.  
 Mr. Meeks with Mr. Fenerty.  
 Mr. Wearin with Mr. Collins.  
 Mr. Johnson of West Virginia with Mr. Marcantonio.  
 Mr. Nelson with Mr. Gehrmann.  
 Mr. Sabath with Mr. Lundeen.  
 Mr. Rabaut with Mr. Schneider of Wisconsin.  
 Mr. Schuetz with Mr. Russell.  
 Mr. Dear with Mr. Adair.  
 Mr. Hook with Mr. Caldwell.  
 Mr. Kee with Mr. Shannon.  
 Mr. Quinn with Mr. Peyser.  
 Mr. Gassaway with Mr. Dockweiler.  
 Mr. Peterson of Florida with Mr. Murdock.  
 Mr. Brown of Georgia with Mr. Sweeney.  
 Mr. Schaefer with Mr. Ferguson.  
 Mr. Cummings with Mr. Lewis of Maryland.  
 Mr. Creal with Mrs. O'Day.  
 Mr. Barden with Mr. Hamlin.  
 Mr. Harter with Mr. Sisson.  
 Mr. Coffee with Mr. Claiborne.  
 Mr. Starnes with Mr. Montet.  
 Mr. McKeough with Mr. Moran.  
 Mr. Driscoll with Mr. Lee of Oklahoma.  
 Mr. Smith of West Virginia with Mr. Buckley.  
 Mr. Carmichael with Mr. Dietrich.  
 Mr. DeRouen with Mr. Clark of Idaho.  
 Mr. Nichols with Mr. Samuel B. Hill.  
 Mr. Ryan with Mr. Sanders of Louisiana.  
 Mr. Hill of Alabama with Mr. Utterback.  
 Mr. Healey with Mr. Parks.  
 Mr. Zioncheck with Mr. Berlin.  
 Mrs. Rogers of New Hampshire with Mr. Oliver.  
 Mr. Dunn of Mississippi with Mrs. Greenway.  
 Mr. Eagle with Mr. McGroarty.

Mr. DARROW, Mr. GILCHRIST, Mr. LAMNECK, Mr. CURLEY, Mr. CULLEN, and Mr. SNYDER of Pennsylvania changed their vote from "yea" to "nay."

The doors were opened.

The result of the vote was announced as above recorded.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.



The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, I am in no sense a mentor for the action of any Member for staying here when we have up for consideration the omnibus private claims bill. The truth is there are a great many Members here who are very vitally interested in items included in these various omnibus bills. For a great many years we have had difficulty in securing for the Members an opportunity for the real consideration of the merits of many of these private bills. We are operating at this session of the Congress under a new rule.

Mr. Speaker, we are approaching what we hope is the end of the session. There is great pressure being brought on the leadership of the House to try to get the program disposed of. I occupy a rather unique position in that I have been here for 20 years, yet I have never had a bill on the Private Claims Calendar. However, I realize there are a great many Members—probably every Member of the House—who may be interested in this Private Calendar. Of course, if a quorum does not remain present, roll calls will be necessary if a point of order is made. If it is at all possible for the Members to remain here for an hour or two longer, I am assured by the chairman of the committee that substantial progress can be made in disposing of a good many of the bills that are now pending. As a matter of fair dealing, I request the Members to stay. It may be a little inconvenient for some of you to stay away from your office, but I want you to remember that you, yourself, have had bills on this calendar that you were anxious to have disposed of. I think it is a fair request to ask the Members to remain here for the remainder of the session today in order to transact this public business.

Mr. SNELL. Will the gentleman yield?

Mr. BANKHEAD. I yield to the gentleman from New York.

Mr. SNELL. I am wondering if the gentleman can tell us how near the end of the session we are.

Mr. BANKHEAD. As I stated some days ago when that question was put, I am neither a crystal gazer nor a clairvoyant; but we indulge the reasonable hope, I may say to the gentleman from New York, if the Senate is as expeditious in disposing of the matters now remaining as the House can be, we may be able to adjourn this session of Congress not later than the 5th of June, for the reason we want to give the gentleman from New York ample opportunity to prepare that great speech that he will make as the permanent chairman of the Republican convention [applause], if they decide to hold the convention. [Laughter.]

Mr. SNELL. We think now we will hold the convention.

Mr. BANKHEAD. And I want to congratulate the gentleman from New York upon the honor that has been conferred upon him.

Mr. SNELL. I thank the gentleman.

Mr. BANKHEAD. May I say the temporary chairman of that convention is going to have a great deal of trouble with reference to whether or not he shall view with alarm or point with pride to the actions of the present administration, having voted for about as many New Deal proposals as he voted against; but not so with the gentleman from New York [Mr. SNELL]. He is a persistent, consistent, and perpetual stand-patter and will have no trouble. [Laughter and applause.]

Mr. COSTELLO. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 1, line 8, after the words "sum of", to strike out "\$4,000" and insert "\$2,000."

Mr. COSTELLO. Mr. Speaker, this amendment simply reduces the amount of the claim from \$4,000 to \$2,000. The original bill as introduced in the House called for the sum of \$10,000, which the committee has seen fit to reduce to \$4,000. It is noted that the hospital bills in this case amount to a total of only \$750, and it appears to me that a balance of \$1,250 would be adequate compensation to the claimant

involved in this bill, especially in view of the fact I am personally of the opinion that she herself was in part responsible for the injuries which she sustained.

Mr. EKWALL. Mr. Speaker, I rise in opposition to the amendment.

The gentleman from California [Mr. COSTELLO] makes the statement that in his opinion \$2,000 is ample compensation for the claimant involved in this bill. This claimant has hospital bills and medical bills totaling more than \$750. She has also sustained loss in wages to an amount of \$1,300 or over. These two items total over \$2,000. In addition, she has sustained permanent injury, including a badly fractured ankle, and will be crippled to some extent for the balance of her life. I am sure if the gentleman from California [Mr. COSTELLO] sustained a similar injury he would be requesting damages of fifteen or twenty thousand dollars.

Mr. Speaker, this amendment should be voted down. The committee reduced the claim to \$4,000 after a thorough investigation and made this reduction from \$10,000, as called for in the original bill.

The SPEAKER. The question is on the amendment offered by the gentleman from California [Mr. COSTELLO].

The amendment was rejected.

The Clerk read as follows:

Title II—(H. R. 2479. For the relief of Charles G. Johnson, State treasurer of the State of California.) By Mr. ENGLEBRIGHT

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles G. Johnson, State treasurer of the State of California, the sum of \$17,500. Such sum represents the value of 10 coupons from 3½-percent Treasury notes, series C-1930-32, nos. 3512B, 3513C, 3514D, 4361A, 4362B, 4363C, 4364D, 4365E, 4366F, and 4367H, of the \$100,000 denomination, which coupons were payable on December 15, 1929, and were lost or destroyed in the office of the State treasurer of California: *Provided*, That none of said coupons shall have been presented to the Treasury for payment and that Charles G. Johnson shall first file in the Treasury Department a bond in the penal sum of double the amount of the sum payable pursuant to the provisions of this act, in such form and with such corporate surety as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of such lost or destroyed coupons.

Title III—(H. R. 3943. For the relief of D. E. Wooldridge.) By Mr. SPENCE

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to D. E. Wooldridge the sum of \$5,900 for injuries received by the said D. E. Wooldridge through the negligence and carelessness of Charles Campbell, employed by, and acting at that time as an investigator for the Bureau of Industrial Alcohol and in the discharge of his duties, the said injuries being caused by the said Campbell throwing a keg filled with moonshine whisky from the upstairs window of a building and striking the said Wooldridge on the head and face.

With the following committee amendment:

Page 3, line 17, after the word "of" strike out the remainder of the line and down to and including line 24, and insert in lieu thereof: "\$1,000 in full settlement of all claims against the United States for injuries received by him when struck on the head and face by a keg filled with moonshine whisky and dropped by Charles Campbell, an investigator of the Alcohol Beverage Unit, during a raid at La Grange, Oldham County, Ky., on January 28, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Beginning on page 3, line 12, strike out all of title III.

Mr. COSTELLO. Mr. Speaker, this amendment would strike out this particular title of the bill. The title provides for the payment of \$1,000 to D. E. Wooldridge, for injuries which he received when a keg of moonshine liquor was thrown from an upstairs window and struck the claimant.



The claimant was not in the employ of the Government, but was a civilian who, with two others, went out to assist Federal agents in destroying this liquor. The Federal agents had warned these civilians to keep away from the building because of the manner in which they were handling these kegs of liquor, namely, throwing them out of the second-floor window to the ground below. They would then roll the kegs down the hill. The claimant states he did not hear these warnings, although the Federal agents very definitely state the warnings were given frequently. The work was being carried on in the night so it was dark, yet it is my contention that the injury was due entirely to the carelessness and negligence of the claimant under this title that he sustained these injuries, and therefore the Government should not be held liable even in the sum of \$1,000.

I recommend the adoption of the amendment.

Mr. HOUSTON. Mr. Speaker, I rise in opposition to the amendment.

I reported on this bill some weeks ago, and, as I recall, this accident happened at about 2:30 o'clock in the morning. The agents of the Department of Justice allowed, if they did not encourage, the county attorney to go with them to raid the house containing the liquor. They went out there at this hour of the morning and turned their automobile lights on the house, and the Federal agents went upstairs and began to throw the liquor, which was in kegs, out of the window. They claim that they cautioned this man to keep out the way, but he states he did not hear them, and I do not think he would deliberately have run up there and let one of these kegs hit him and permanently injure one of his eyes.

The bill originally was for \$5,900 and the committee has reduced the amount to \$1,000. He had \$658 of doctors' bills and his anticipated doctors' bills amount to \$350. Therefore we made the amount \$1,000 to cover all expenses, and we think the claimant is entitled to this amount of money, and I hope the amendment is voted down.

The amendment was rejected.

The Clerk read as follows:

Title IV—(H. R. 4256. For the relief of Anna Caporaso.) By Mr. BOYLAN

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Anna Caporaso for injuries sustained as a result of being struck by a Government-owned truck of the Post Office Department, New York City, N. Y., on October 29, 1928.

With the following committee amendment:

Page 4, line 22, strike out "\$5,000" and insert "\$1,000", and after the word "Caporaso" insert "in full settlement of all claims against the United States."

Page 5, line 2, after "1928", insert "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The Clerk read as follows:

Title V—(H. R. 4364. For the relief of Andrew Johnson.) By Mr. BUCK

The the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 to Andrew Johnson, of Sacramento, Calif., in full settlement of all claims against the Government of the United States for damage and injuries sustained when his car was struck by a Civilian Conservation Corps truck on October 31, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misde-

meanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 5, line 19, strike out "\$2,500" and insert "\$1,500."

The committee amendment was agreed to.

The Clerk read as follows:

Title VI—(H. R. 4373. For the relief of Albert Gonzales.) By Mr. DEMPSEY

That the United States Employees' Compensation Commission be, and it is hereby, directed to apply and extend the provisions, benefits, and privileges of the act entitled "An act to provide compensation for employees of the United States suffering injuries in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, to the case of Albert Gonzales on account of injuries suffered by him on July 28, 1929, while a student at the citizens' military training camp at Fort Bliss, Tex., effective from said July 28, 1929: *Provided*, That, for the purposes of this act, the pay and allowances of said Albert Gonzales at the time of his said injuries shall be considered as having been \$150 per month.

With the following committee amendment:

Strike out all of title 6 and insert the following: "That the United States Employees' Compensation Commission is authorized and directed to receive the claim of Albert Gonzales for disability suffered by him on July 28, 1929, while a student at the citizens' military training camp, Fort Bliss, Tex., and to extend to him the provisions, benefits, and privileges of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties and for other purposes', approved September 7, 1916, as amended: *Provided*, That for the purposes of this act, the pay and allowances of said Albert Gonzales at the time of his said disability shall be considered as having been \$150 per month: *Provided further*, That no benefits shall accrue prior to the approval of this act."

The committee amendment was agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 6, line 12, strike out all of title 6.

Mr. HANCOCK of New York. Mr. Speaker, when the law creating citizens' military training camps was passed, provision was made to give hospitalization to all young men at camp; for any injuries received there or while going to and returning from camp. There was nothing put in the law which authorized compensation for any injury in camp.

Cases of this kind frequently arise where young men are injured. So far as I know no bill granting the benefits of Federal Employees' Compensation Act to a C. M. T. C. boy has been passed, although it may have escaped my attention.

The circumstances of this case were as follows: The boy was in swimming and when diving from a high stand struck on his face and severely injured his eyes. It is a pitiful case, but the question involved here is whether we shall invite a flood of legislation of this kind if the bill is passed. There probably have been hundreds of injuries at camps and why should we pick out one for compensation and not take them all? I think the Committee on Military Affairs should consider the question of passing a general law on the subject. I see the gentleman from Georgia [Mr. TARVER] on his feet; he has had several bills for parties injured at citizens' military training camps and he can bear me out.

Mr. TARVER. Mr. Speaker, I will say that one of my bills has been passed, and there are other bills to which the gentleman objected under the old rule requiring unanimous consent. They have not been passed. But let me say that I can conceive of no more reasonable thing than extending the benefits of the compensation law under certain circumstances. I think we should extend the benefits of the compensation law to young men injured in these citizens' military training camps in cases deserving such consideration.

Mr. HANCOCK of New York. I think the matter should be taken up by the proper committee and general legislation enacted. This particular bill provides that this young man shall be considered as having earned \$150 a month in computing compensation. Some gentlemen may think that it should be \$300 and others that it should be \$100 when drafting similar bills. It seems to me that it is quite liberal to pay \$150 a month to a young man 17 years old.



Mr. TARVER. Let me say that I have no interest in the matter. I do not know who introduced the bill, but it seems to me that the gentleman's objection is not well founded and the bill should be given the consideration that it deserves. There is no general law on the subject, but this should not keep Congress from doing justice in individual cases called to its attention.

Mr. HANCOCK of New York. What I object to is the method of doing business. I do not see why we should single out one unfortunate young man and not take care of them all. I do not think this is the proper way of doing business.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HANCOCK of New York. Yes.

Mr. KENNEDY of Maryland. The gentleman understands, of course, that the War Department favors this bill?

Mr. HANCOCK of New York. Yes; but it is our responsibility.

Mr. KENNEDY of Maryland. They state in their report they favor it because of the unusual circumstances surrounding this particular accident, and, further, because of the absence of any general legislation which they say should be passed, and that this particular claimant should not be harmed because of the delay in passing general legislation. As to the \$150, we must arrive at some amount, and it seems to me that \$150 is a small amount to pay for one who is totally blind. As to precedent, there are plenty of precedents set forth in the report of the War Department. This bill is a bill introduced by the gentleman from New Mexico [Mr. DEMPSEY], and I am not thoroughly familiar with all of the details.

Mr. COLDEN. Mr. Speaker, I rise in opposition to the amendment. Although Mr. DEMPSEY, of New Mexico, introduced the bill, I am informed that this young man lives in Los Angeles, in my district in southern California. Here is a young man who has lost both eyes. He is permanently blind. This bill proposes to pay him \$150 per month. I cannot agree with the gentleman from New York in the suggestion that \$150 a month is too much to pay for this injury. I think it is a small amount. Who would surrender his eyesight for such a pittance?

Mr. RAMSPECK. Mr. Speaker, will the gentleman yield?

Mr. COLDEN. Yes.

Mr. RAMSPECK. The beneficiary will get only \$100 a month. He gets two-thirds of the amount of his salary.

Mr. COLDEN. I thank the gentleman for the correction. The War Department has recommended this bill for the reason the gentleman from New York suggested, namely, that there is no law or provision to cover a case of this kind. This young man was in the citizens' military training camp at Fort Bliss, Tex. While in the service he lost both of his eyes. He was not only treated at the hospital at Fort Bliss but was brought to Walter Reed Hospital in Washington. Under the circumstances, since there is no general law—and I wholly agree with the suggestion of the gentleman from New York that there should be such a law—there is only one way to relieve this young man. Because there are exceptions, Congress considers private claims. Must he wait around stumbling in his blindness for years, perhaps, before Congress really passes a bill to cover such an emergency as this? I ask the Members of the House, in view of the recommendation of the committee and the recommendation of the War Department, to vote down the amendment offered by the gentleman from New York.

The SPEAKER. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

Title VII—(H. R. 4829. For the relief of Weymouth Kirkland and Robert N. Golding.) By Mr. KENNEDY of Maryland

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Weymouth Kirkland and Robert N. Golding the sum of \$5,155.70, for legal services rendered to the Railroad Labor Board under the direction and approval of the Department of Justice: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be

paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 7, line 23, after the word "Kirkland", strike out the comma and "Robert N. Golding, the sum of \$5,155.70" and insert "the sum of \$2,000, and to Robert N. Golding, the sum of \$3,155.70; in all, \$5,155.70, in full settlement of all claims against the United States."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Title VIII—(H. R. 5078. For the relief of Mrs. Charles F. Eikenberg.) By Mr. DOCKWEILER

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Charles F. Eikenberg, the sum of \$4,186. Such sum shall be in full settlement of all claims against the United States on account of injuries sustained by the said Mrs. Charles F. Eikenberg on or about the 1st day of October 1933 as result of collision with a Government truck no. C. C. C. 65.

With the following committee amendment:

Page 9, at the end of the bill, strike out the period, insert a colon, and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COSTELLO. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 8, line 22, after the words "sum of", strike out "\$4,186" and insert in lieu thereof "\$3,186".

The SPEAKER. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

Title IX—(H. R. 5150. For the relief of Alexander E. Kovner.) By Mr. ZIONCHECK

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alexander E. Kovner, of Seattle, Wash., the sum of \$10,000, being full compensation for cost of hospital and medical care, pain and suffering, and permanent disability, resulting from the said Alexander E. Kovner being struck by a truck belonging to the Third Brigade of the United States Marines, in the city of Tientsin, China, of May 14, 1928, such accident being primarily due to the negligence of the driver of the said truck.

With the following committee amendments:

Page 9, line 19, strike out "\$10,000, being full compensation" and insert in lieu thereof "\$5,000, in full settlement of all claims against the United States."

Page 10, at the end of the bill, strike out the period, insert a colon, and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."



The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. HANCOCK of New York. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. HANCOCK of New York: Page 9, line 14, strike out all of title IX.

The SPEAKER. The question is on agreeing to the amendment.

Mr. HANCOCK of New York. Mr. Speaker, the House seems to be in quite a generous mood today, and I have no doubt that it will vote down my amendment. Briefly, these are the facts: A young Russian was riding a bicycle in Tientsin, China. He collided with a truck operated by one of our marines. The young Russian was badly injured. He comes here now and asks for \$5,000. I quote briefly from the report made by the Secretary of the Navy in connection with this bill:

It will be noted therefrom that the board found that the claimant "was not keeping a sharp lookout, but was riding with his head down" and that he "rode his bicycle into the left side of the said gas tanker, his bicycle striking the heavier vehicle at about a point above the left rear wheel." As the result of its investigation the board expressed the opinion "that the responsibility for the accident rests solely with the said Alexander Kovner, in that he did not exercise due care and caution while riding his bicycle in heavy traffic."

I maintain that to make an award of \$5,000 under such circumstances is unjustified.

Mr. KENNEDY of Maryland. Mr. Speaker, I rise in opposition to the amendment. There is not any question about liability in this case. As a matter of fact, the driver admitted it. Because of some unusual traffic regulations in China, it seems that you drive on a different side of the road than in this country. This man has already expended some \$6,000 in medical treatment for his son, and the committee feels that \$5,000 is the minimum amount that should be allowed in this particular case. For that reason we reduced it from \$10,000 to \$5,000.

I hope the amendment will be voted down.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. HANCOCK].

The question was taken; and there were on a division (demanded by Mr. RICH)—ayes 24, noes 53.

Mr. RICH. Mr. Speaker, I object to the vote on the ground there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 68, nays 198, answered "present" 1, not voting 159, as follows:

[Roll No. 102]

YEAS—68

Allen	Farley	Larrabee	Rich
Arends	Fletcher	Ludlow	Robertson
Ashbrook	Ford, Miss.	McFarlane	Secret
Bacon	Gillette	Mahon	Short
Blackney	Gray, Ind.	Main	Snell
Blanton	Gray, Pa.	Mapes	Tarver
Carter	Halleck	Marshall	Taylor, S. C.
Castellow	Hancock, N. Y.	Martin, Mass.	Thomason
Church	Harlan	Merritt, Conn.	Thurston
Cochran	Imhoff	Millard	Tinkham
Costello	Jenckes, Ind.	O'Connell	Welch
Crawford	Johnson, Okla.	Patterson	Whittington
Cross, Tex.	Johnson, Tex.	Pettengill	Wilson, Pa.
Darrow	Kinzer	Pierce	Wolcott
Doxey	Kloebe	Polk	Wolfenden
Engel	Kniffin	Rankin	Woodruff
Faddis	Knutson	Reed, Ill.	Young

NAYS—198

Amle	Boykin	Celler	Cooper, Ohio
Ayers	Boylan	Chandler	Cooper, Tenn.
Barry	Brewster	Christianson	Corning
Beiter	Brown, Ga.	Citron	Cox
Bell	Brown, Mich.	Clark, N. C.	Cravens
Bland	Buchanan	Coffee	Crosser, Ohio
Bloom	Buck	Colden	Crowe
Boehne	Burch	Cole, Md.	Cullen
Bolleau	Cannon, Mo.	Cole, N. Y.	Curley
Boland	Cartwright	Cooley	Daly

Darden	Guy	McSwain	Sauthoff
Deen	Haines	Maas	Schneider, Wis.
Delaney	Hart	Martin, Colo.	Schuetz
Dickstein	Hennings	Massingale	Scott
Dies	Higgins, Conn.	Maverick	Shanley
Disney	Higgins, Mass.	May	Sirovich
Dobbins	Hildebrandt	Mead	Smith, Conn.
Dockweiler	Hill, Knute	Merritt, N. Y.	Smith, Va.
Dondero	Hobbs	Michener	Snyder, Pa.
Dorsey	Holmes	Miller	Somers, N. Y.
Doughton	Houston	Mitchell, Ill.	South
Drewry	Huddleston	Monaghan	Spence
Driver	Hull	O'Brien	Stack
Duffy, N. Y.	Jacobsen	O'Connor	Stefan
Duncan	Jenkins, Ohio	O'Leary	Stubbs
Dunn, Pa.	Johnson, W. Va.	Owen	Sullivan
Eckert	Jones	Parsons	Sutphin
Edmiston	Kahn	Patman	Taylor, Tenn.
Elcher	Kennedy, Md.	Pearson	Terry
Ekwall	Kennedy, N. Y.	Peterson, Ga.	Thom
Ellenbogen	Kenney	Peyser	Thompson
Englebright	Kocalkowski	Pfeifer	Tonry
Evans	Kramer	Pittenger	Treadway
Fernandez	Kvale	Plumley	Turner
Fiesinger	Lambertson	Ramsay	Turpin
Flannagan	Lambeth	Ramspeck	Umstead
Focht	Lamneck	Randolph	Vinson, Ga.
Frey	Lanham	Ransley	Vinson, Ky.
Fuller	Lemke	Rayburn	Wallgren
Gasque	Lewis, Colo.	Reece	Walter
Gavagan	Lucas	Reed, N. Y.	Warren
Gearhart	Luckey	Reilly	Welchel
Gehrmann	McAndrews	Richards	White
Gilchrist	McClellan	Robinson, Utah	Williams
Gildea	McCormack	Robison, Ky.	Wilson, La.
Goodwin	McGehee	Rogers, Mass.	Wood
Granfield	McGrath	Rogers, N. H.	Woodrum
Greenwood	McLaughlin	Romjue	Zimmerman
Gregory	McMillan	Sanders, Tex.	
Griswold	McReynolds	Sandlin	

ANSWERED "PRESENT"—1

Biermann

NOT VOTING—159

Adair	Dietrich	Kelly	Quinn
Andresen	Dingell	Kerr	Rabaut
Andrew, Mass.	Dirksen	Kleberg	Richardson
Andrews, N. Y.	Ditter	Kopplemann	Risk
Bacharach	Doutrich	Lea, Calif.	Rogers, Okla.
Bankhead	Driscoll	Lee, Okla.	Russell
Barden	Duffey, Ohio	Lehlbach	Ryan
Beam	Dunn, Miss.	Lestinski	Sabath
Berlin	Eagle	Lewis, Md.	Sadowski
Binderup	Eaton	Lord	Sanders, La.
Boiton	Fenerty	Lundeen	Schaefer
Brennan	Ferguson	McGroarty	Schulte
Brooks	Fish	McKeough	Scrugham
Buckler, Minn.	Fitzpatrick	McLean	Sears
Buckley, N. Y.	Ford, Calif.	McLeod	Seger
Bulwinkle	Fulmer	Maloney	Shannon
Burdick	Gambrill	Mansfield	Sisson
Burnham	Gassaway	Marcantonio	Smith, Wash.
Caldwell	Gifford	Mason	Smith, W. Va.
Cannon, Wis.	Gingery	Meeks	Starnes
Carlson	Goldsborough	Mitchell, Tenn.	Steagall
Carmichael	Green	Montague	Stewart
Carpenter	Greenway	Montet	Summers, Tex.
Cary	Greever	Moran	Sweeney
Casey	Gwynne	Moritz	Taber
Cavichia	Hamlin	Mott	Taylor, Colo.
Chapman	Hancock, N. C.	Murdock	Tobey
Claiborne	Harter	Nelson	Tolan
Clark, Idaho	Hartley	Nichols	Utterback
Collins	Healey	Norton	Wadsworth
Colmer	Hess	O'Day	Wearin
Connery	Hill, Ala.	Oliver	Weaver
Creal	Hill, Samuel B.	O'Malley	Werner
Crosby	Hoepfel	O'Neal	West
Crowther	Hoffman	Palmisano	Wigglesworth
Culkin	Hollister	Parks	Wilcox
Cummings	Hook	Patton	Withrow
Dear	Hope	Perkins	Wolverton
Dempsey	Kee	Peterson, Fla.	Zioncheck
DeRouen	Keller	Powers	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Mr. Bankhead with Mr. Taber.  
 Mr. Summers of Texas with Mr. Bacharach.  
 Mr. Fulmer with Mr. Culkin.  
 Mr. Rabaut with Mr. Hope.  
 Mr. Mitchell of Tennessee with Mr. Tobey.  
 Mr. Nelson with Mr. Andresen.  
 Mr. Gambrill with Mr. Ditter.  
 Mr. Warner with Mr. Gifford.  
 Mr. Goldsborough with Mr. Mott.  
 Mr. Rogers of Oklahoma with Mr. Carlson.  
 Mr. Palmisano with Mr. Fish.  
 Mr. Sweeney with Mr. Hartley.  
 Mr. West with Mr. Lord.  
 Mr. Cannon of Wisconsin with Mr. Withrow.  
 Mr. Claiborne with Mr. Burdick.  
 Mr. Ford of California with Mr. Buckler.



Mr. Richardson with Mr. Tolan.  
Mr. Keller with Mr. Kopplemann.  
Mr. Moritz with Mr. O'Neal.  
Mr. Binderup with Mr. Mason.  
Mr. Scrugham with Mr. Smith of Washington.  
Mr. Dempsey with Mr. O'Malley.  
Mr. Casey with Mr. Quinn.  
Mr. Russell with Mr. Colmer.  
Mr. Greever with Mr. Gassaway.  
Mr. Crosby with Mr. Carpenter.  
Mr. Gingery with Mr. Duffey of Ohio.  
Mr. Oliver with Mr. Brooks.

Mr. CRAWFORD changed his vote from "no" to "aye."  
The result of the vote was announced as above recorded.  
The doors were opened.  
The Clerk read as follows:

Title X—(H. R. 5635. For the relief of the mayor and aldermen of Jersey City, Hudson County, N. J., a municipal corporation.)  
By Mr. HART

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and there is hereby appropriated for such payment, to the mayor and aldermen of Jersey City, the sum of \$62,340.65 for water actually used by the Erie Railroad Co., of Jersey City, during the period when said railroad was under the jurisdiction and control of the United States Railroad Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 10, strike out, beginning with line 18, all of the balance of page 10 and all of page 11 down to and including line 14 and insert the following:

"That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment on the claim of the mayor and aldermen of Jersey City, Hudson County, N. J., a municipal corporation, for water actually used by the Erie Railroad Co., of Jersey City, during the period when said railroad was under the jurisdiction and control of the United States Railroad Administration. Suit hereunder may be instituted at any time within 1 year after the approval of this act, and proceedings in such suit and payment of any judgment therein shall be had as in the case of claims over which such court has jurisdiction by virtue of section 145 of the Judicial Code, as amended."

Amend the title so as to read: "A bill conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the mayor and aldermen of Jersey City, Hudson County, N. J., a municipal corporation."

The committee amendments were agreed to.

The Clerk read as follows:

Title XI—(S. 925. To carry into effect the findings of the Court of Claims in the case of William W. Danenhower)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William W. Danenhower, out of any money in the Treasury not otherwise appropriated, the sum of \$34,260 for damages caused by the depreciation in value of his property situate in square 737 in the city of Washington, D. C., which said damages were caused by the elimination of the grade crossings of railroads in pursuance to the act of Congress approved February 12, 1901 (31 Stat. L. 774), and acts supplemental thereto, as found by the Court of Claims and reported in Senate Document No. 2, Sixty-seventh Congress, first session: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 12, after the word "to" in line 8, insert "Sallie M. Danenhower, executrix of the estate of"; page 12, line 11, after the figures, insert "in full settlement of all claims against the United States"; page 12, line 12, strike out the word "his" and insert "said William W. Danenhower's."

The committee amendments were agreed to.

The Clerk read as follows:

Title XII—(S. 952. For the relief of Zelma Halverson)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of \$50 per month in an amount not to exceed \$5,000 to Zelma Halverson to compensate her for the death of her husband, Harry Halverson, who lost his life August 21, 1933, while fighting a forest fire in Montana: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. COSTELLO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 13, line 12, strike out title XII.

Mr. COSTELLO. Mr. Speaker, this bill provides that monthly payments shall be made to the widow of Harry Halverson, who was killed fighting a forest fire. The fire took place in the State of Montana. Halverson was employed by a private company to fight this forest fire. At no time during the fighting of this fire was he actually engaged by the Federal Government. After he had been fighting the fire and directing a crew of some C. C. C. men for 2 days, the foreman of this private company and the man in charge of the C. C. C. camp entered into a discussion and suggested that Halverson should be put upon the Government pay roll. A memorandum to that effect was forwarded to the officer in charge of the C. C. C. camp, Mr. McKnight. This memorandum to that effect did not reach Mr. McKnight, in charge of the camp, until August 25. Halverson died on August 21. So that even though it was the intention, possibly, to put Halverson upon the Federal pay roll in the fighting of this fire, the fact is that he was never a Federal employee. Therefore there is absolutely no justification for the Federal Government being called upon to make this monthly payment to his widow.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. WOODRUFF. The gentleman referred to was in the Federal service when he lost his life, was he not?

Mr. COSTELLO. He was at no time in the Federal service.

Mr. WOODRUFF. Was he working for the Federal Government?

Mr. COSTELLO. No. The fire was not actually upon any Government property. He was in the employ of a private company, and he was simply directing, as a private employee of this company, the work of these C. C. C. enrollees.

Mr. WOODRUFF. In other words, he was directing employees of the Federal Government, was he not?

Mr. COSTELLO. In fighting the fire; yes.

Mr. WOODRUFF. Then he was in the service of the United States Government, and I see no reason in the world why this man should not be paid.

Mr. COSTELLO. On the contrary, he was not in the service of the Federal Government. He was actually in the employ of a private concern. He was being paid by them. In order to carry on effectively the fighting of the fire, some of the C. C. C. enrollees were put under his supervision to carry on this work of fighting the fire, but he was in no sense a Government employee on the pay roll of the Government. The recommendation, which is the only basis on which this claim is given any semblance of validity, had not been forwarded to the officer in charge of the C. C. C. camp, and hence could not be acted upon, prior to the death of Halverson.

I recommend that the amendment to strike out this title be acted on favorably.

Mr. AYERS. Mr. Speaker, I rise in opposition to the amendment which would kill this bill in its entirety.



Mr. Speaker, this is a meritorious case. The real facts are that Halverson was employed by the Sieben Livestock Co. and early in August of 1933, had been assigned to fighting forest fire which threatened the Sieben and other private property. Later on, about August 16, proper Government authority was given to a C. C. C. camp, under Superintendent McKnight, to assist in fighting this fire. Then the fire went on to endanger national forest property, and the forest supervisor, Mr. Templer, got on the ground and he and C. C. C. Superintendent McKnight realized the necessity of having experienced men at the head of the fire-fighting crews, and consulted with Mr. Sheriff of the Sieben Livestock Co., who suggested to them that they put Halverson on as a straw boss to direct the C. C. C. boys and civilian fire fighters. At this time the Forestry Department and the C. C. C. Service had taken over control of operations against the fire which was continually becoming more serious. On August 19, Forest Supervisor Templer sent to C. C. C. Superintendent McKnight a written memorandum as follows:

Would suggest that you put Halverson on your pay roll beginning this morning (meaning Aug. 19), if his services are needed as straw boss or foreman classification.

This message was sent by Sheriff, but in fact was not delivered until August 25; however, it is a fact that on the morning of August 19, Sheriff met Templer in Helena, some 25 miles distant from the fire, and told him that he had arranged to take Halverson over to the fire camp, and wanted to know if that was satisfactory and that if he did so would Halverson's time commence with Forestry Department on that day regardless of the delivery of the letter. Templer assured him that it would be satisfactory, and that they needed Halverson, and that he was (indicating right now) employed as a straw boss. The instructions from Templer were in a Government, official sealed envelope of the Forestry Department, and had been left in the office on the 19th, but on account of the fact that it was not delivered in the post office until 2 or 3 days later, it was really not delivered until August 25.

Remember, Mr. Speaker, that this fire was raging in the mountains and these arrangements were made both out at the camp and in Helena, and each other's words were taken for what they were. According to the arrangements and the exigencies of the situation, Halverson was dispatched to the fire on the forenoon of August 20. He led the men and fought the fire all that day and all that night, and at about 6 o'clock in the morning of August 21, he suffered injuries in action which resulted in his death.

Now, the Forest Service comes along and puts up the claim that since Halverson did not answer formal questionnaires of the Forest Service and since he was not actually sworn in as a Government officer he was in fact not such, and his widow and children are not entitled to compensation for his death in service. They go on to tell us that it was their intention to hire him if they thought his services were needed, but that no hiring arrangements had been effected prior to the date of his death.

This is the height of a technicality. Halverson's services were sought by the Government. He actually entered upon the service and was actually directing Government men for a day and a night before his death occurred, and let it be remembered that his death occurred at his post of duty and that his duty was in discharging Government instructions.

Mr. Speaker, if this is not to be construed as an employment by the Government then a far different method of construction of actual facts is used than I have ever been acquainted with heretofore.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. AYERS. I yield to my friend from Minnesota.

Mr. KNUTSON. Was Halverson doing Government work?

Mr. AYERS. He was actually doing Government work on Government land, and was protecting Government property when he was killed.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. AYERS. I yield to the gentleman from Massachusetts. Mr. McCORMACK. Then, the objection is being raised on merely a technicality.

Mr. AYERS. The height of technicality.

Mr. McCORMACK. He was actually in the Government employ.

Mr. AYERS. He was actually employed by the Government, and was actually discharging his duties as such employee.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. AYERS. I gladly yield to the majority leader.

Mr. BANKHEAD. If this man, of course, was in the Government service, he was entitled to consideration; but, as a matter of fact, was he commissioned by the Government to fight this fire?

Mr. AYERS. He was commissioned verbally by the superintendent of the C. C. C. camp, Mr. McKnight, and by Mr. Templer of the Forest Service, both of whom had charge of the fire fighting and both of whom had charge of the operations and the assembling of men therefor; but, as stated before, he had not gone through the formality of taking an oath or having a formal commission.

Mr. BANKHEAD. Under the law, did this superintendent of the C. C. C. camp have authority to deputize men for purposes of this sort?

Mr. AYERS. He did, and he assumed command of the fighting operations. Halverson was directed to fight that fire as a boss and he died in line of duty. Now, I hope that his widow and children may be recompensed by this bill. They have no formal commission to frame and hang in the parlor, but they do have the satisfaction of knowing that the husband and father died in the discharge of his duty for his Government.

The SPEAKER. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

Title XIII—(S. 1073. For the relief of Louis Finger)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis Finger, of Cleveland, Ohio, the sum of \$1,347.48 in full settlement of all claims against the Government for expenses incurred in the treatment of his minor daughter, Elsie Finger, who was injured in an accident involving a United States mail truck August 13, 1930: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 14, line 17, strike out "\$1,347.48" and insert "\$347.48."

The amendment was agreed to.

The Clerk read as follows:

Title XIV—(S. 1328. For the relief of the Snare & Triest Co., now Frederick Snare Corporation)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Snare & Triest Co., now Frederick Snare Corporation, the sum of \$83,978.05, in full settlement of all claims against the Government of the United States for damages for delay in carrying out its contract with the Navy Department, no. 3762, and agreements supplemental thereto for waterfront improvements, piers, and breakwater at the submarine base, Key West, Fla., as reported January 13, 1925, by a board of which Rear Admiral H. H. Rousseau, Civil Engineer Corps, United States Navy, was senior member: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.



With the following committee amendments:

Page 16, line 10, strike out the figure "10" and insert the figure "20."

Page 16, line 16, strike out the figure "10" and insert the figure "20."

Mr. RICH. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the long-established practice of the House has been to limit attorneys' fees to 10 percent, yet in this instance the committee would authorize an attorney's fee of 20 percent on a claim that has been twice tried before the Court of Claims and which is not recommended by the Secretary of the Navy.

The report shows that the claimant in this case was awarded \$2,274.80 after an investigation was made. The claimant now comes in and asks for \$83,928.05 in addition, and it is proposed to increase the attorney's fees from 10 percent to 20 percent, directly contrary to the long-established precedent of the House to limit attorneys' fees to 10 percent.

Mr. KENNEDY of Maryland. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. KENNEDY of Maryland. I may say that the motivating cause behind the amendment is the practice and custom in the Court of Claims to allow attorneys a fee of 20 percent.

Mr. RICH. Why, when the Court of Claims has denied this case twice should they ask the Congress to do something not recommended by the Secretary of the Navy, Mr. Swanson? I read an excerpt from a letter from the Secretary of the Navy addressed to the chairman of the Committee on Claims dated December 8, 1933:

The cost of the proposed legislation is indeterminate depending on the amount allowed, if any, by the Court of Claims should the legislation be enacted.

In view of the foregoing, the Navy Department will interpose no objections to the enactment of the bill S. 1760, should the Congress see fit to authorize the readjudication of the case as proposed, but invites attention to the fact that the claimant has already two trials before the Court of Claims, the tribunal named in the bill to consider the claim.

Why is this bill brought in here in an effort to get \$83,978.05? I cannot understand it.

Mr. COCHRAN. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Missouri.

Mr. COCHRAN. This is not to send the case to the Court of Claims. It calls for the payment of the money out of the Treasury of the United States.

Mr. RICH. I understand that, and the Court of Claims has refused to pay it.

Mr. COCHRAN. Is the gentleman's amendment to strike the item entirely?

Mr. RICH. No; but I will offer an amendment to strike out the title. I thought I would have to get recognition now. Why the committee is now asking for 20 percent attorney's fees I cannot understand.

[Here the gavel fell.]

The SPEAKER. The question is on the committee amendment.

The committee amendment was rejected.

Mr. RICH. Mr. Speaker, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 15, line 14, strike out title XIV.

Mr. RICH. Mr. Speaker, the statement I made a moment ago stands now. Why the membership of the House of Representatives is going over the Court of Claims, when that court has twice tried this case and rejected the claim, I cannot understand. I do not know why a proposition of this kind should be offered, and I hope my amendment will be agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 40, noes 50.

Mr. BLANTON. Mr. Speaker, I object to the vote on the ground there is not a quorum present. We are not going to take \$80,000 out of the Treasury.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 117, nays 128, not voting 181, as follows:

[Roll No. 103]

YEAS—117

Allen	Crawford	Jenckes, Ind.	Reed, Ill.
Andresen	Crosser, Ohio	Jenkins, Ohio	Reed, N. Y.
Andrews, N. Y.	Crowe	Johnson, Okla.	Reilly
Arends	Darrow	Johnson, Tex.	Rich
Ashbrook	Dies	Kinzer	Robertson
Bacon	Disney	Kloeb	Rogers, Mass.
Biermann	Dondero	Kniffin	Rogers, N. H.
Blackney	Doxey	Lambertson	Scrugham
Bland	Drewry	Lambeth	Short
Blanton	Eckert	Larrabee	Smith, Conn.
Boehne	Elcher	Ludlow	Snell
Brewster	Ellenbogen	McFarlane	Stubbs
Buckler, Minn.	Engel	McGrath	Taylor, S. C.
Cannon, Mo.	Englebright	McLeod	Taylor, Tenn.
Carpenter	Fletcher	McReynolds	Thurston
Carter	Ford, Calif.	Mahon	Tinkham
Cartwright	Ford, Miss.	Main	Toby
Castellow	Gearhart	Mapes	Treadway
Christianson	Gilchrist	Martin, Mass.	Turner
Church	Goodwin	Massingale	Turpin
Citron	Gray, Ind.	Michener	Welch
Cochran	Guyer	Miller	Whittington
Colden	Halleck	Mott	Willson, Pa.
Cole, N. Y.	Hancock, N. Y.	Patterson	Wolcott
Collins	Higgins, Conn.	Pearson	Wolfenden
Colmer	Hill, Knute	Pettengill	Woodruff
Cooper, Ohio	Holmes	Plumley	Young
Cooper, Tenn.	Huddleston	Polk	
Costello	Imhoff	Rankin	
Cravens	Jacobsen	Ransley	

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Amle	Duncan	Lewis, Colo.	Ryan
Ayers	Dunn, Pa.	McAndrews	Sanders, Tex.
Bankhead	Edmiston	McClellan	Sandlin
Barry	Ekwall	McCormack	Sauthoff
Bell	Evans	McGehee	Schneider, Wis.
Bloom	Faddis	McLaughlin	Schulte
Boileau	Farley	McMillan	Scott
Boland	Fernandez	McSwain	Secrest
Boykin	Focht	Maas	Shanley
Boylan	Frey	Martin, Colo.	Sirovich
Brown, Ga.	Gavagan	Maverick	Smith, Va.
Carlson	Gehrman	Merritt, N. Y.	Snyder, Pa.
Celler	Gildea	Mitchell, Ill.	Somers, N. Y.
Chandler	Gingery	Monaghan	South
Clark, N. C.	Granfield	O'Brien	Spence
Cooley	Gregory	O'Connell	Stack
Corning	Griswold	O'Connor	Stefan
Cox	Haines	O'Leary	Sutphin
Creal	Hart	Owen	Tarver
Crosby	Higgins, Mass.	Parsons	Terry
Cullen	Hildebrandt	Patman	Thompson
Curley	Hobbs	Peterson, Ga.	Tonry
Daly	Houston	Peyser	Umstead
Darden	Hull	Pfeifer	Vinson, Ga.
Deen	Jones	Pittenger	Vinson, Ky.
Delaney	Kahn	Ramsay	Wallgren
Dickstein	Kennedy, Md.	Ramspeck	Walter
Dockweiler	Knutson	Rayburn	Warren
Dorsey	Kociakowski	Reece	Welchel
Doughton	Kvale	Richards	White
Driver	Lamneck	Richardson	Williams
Duffy, N. Y.	Lanham	Romjue	Zimmerman

NOT VOTING—181

Adair	Cary	Driscoll	Greenwood
Andrew, Mass.	Casey	Duffey, Ohio	Greever
Bacharach	Cavicchia	Dunn, Miss.	Gwynne
Barden	Chapman	Eagle	Hamlin
Beam	Claiborne	Eaton	Hancock, N. C.
Beiter	Clark, Idaho	Fenerty	Harlan
Berlin	Coffee	Ferguson	Harter
Binderup	Cole, Md.	Fiesinger	Hartley
Bolton	Connery	Fish	Healey
Brennan	Cross, Tex.	Fitzpatrick	Hennings
Brooks	Crowther	Flannagan	Hess
Brown, Mich.	Culkin	Fuller	Hill, Ala.
Buchanan	Cummings	Fulmer	Hill, Samuel B.
Buck	Dear	Gambrill	Hoeppel
Buckley, N. Y.	Dempsey	Gasque	Hoffman
Bulwinkle	DeRouen	Gassaway	Hollister
Burch	Dietrich	Gifford	Hook
Burdick	Dingell	Gillette	Hope
Burnham	Dirksen	Goldsborough	Johnson, W. Va.
Caldwell	Ditter	Gray, Pa.	Kee
Cannon, Wis.	Dobbins	Green	Keller
Carmichael	Doutrich	Greenway	Kelly



Kennedy, N. Y.	May	Powers	Sumners, Tex.
Kennedy	Mead	Quinn	Sweeney
Kerr	Meeks	Rabaut	Taber
Kleberg	Merritt, Conn.	Randolph	Taylor, Colo.
Kopplemann	Millard	Risk	Thom
Kramer	Mitchell, Tenn.	Robinson, Utah	Thomason
Lea, Calif.	Montague	Robson, Ky.	Tolan
Lee, Okla.	Montet	Rogers, Okla.	Utterback
Lehlbach	Moran	Russell	Wadsworth
Lemke	Moritz	Sabath	Wearin
Lesinski	Murdock	Sadowski	Weaver
Lewis, Md.	Nelson	Sanders, La.	Werner
Lord	Nichols	Schaefer	West
Lucas	Norton	Schuetz	Wigglesworth
Luckey	O'Day	Sears	Wilcox
Lundeen	Oliver	Seger	Wilson, La.
McGoorty	O'Malley	Shannon	Withrow
McKeough	O'Neal	Slisson	Wolverton
McLean	Palmsano	Smith, Wash.	Wood
Maloney	Parks	Smith, W. Va.	Woodrum
Mansfield	Patton	Starnes	Zioncheck
Marcantonio	Perkins	Steagall	
Marshall	Peterson, Fla.	Stewart	
Mason	Pierce	Sullivan	

So the amendment was rejected.

The Clerk announced the following pairs:

Additional general pairs:

Mr. Woodrum with Mr. Bolton.  
 Mr. Mitchell of Tennessee with Mr. Merritt of Connecticut.  
 Mr. Buchanan with Mr. Taber.  
 Mr. Thomason with Mr. Marshall.  
 Mr. Mead with Mr. Robson of Kentucky.  
 Mr. Burch with Mr. Millard.  
 Mr. Sullivan with Mr. Lemke.  
 Mr. Goldsborough with Mr. Luckey.  
 Mr. Dingell with Mr. Russell.  
 Mr. Wearin with Mr. Beiter.  
 Mr. Fuller with Mr. Pierce.  
 Mr. Kramer with Mr. Gillette.  
 Mr. Greenwood with Mrs. O'Day.  
 Mr. Lucas with Mr. Tolan.  
 Mr. Flesinger with Mr. Buck.  
 Mr. May with Mr. Randolph.  
 Mr. Gray of Pennsylvania with Mr. Wood.  
 Mr. Sadowski with Mr. Harlan.  
 Mr. Coffee with Mr. Nelson.  
 Mr. Schuetz with Mr. Kennedy of New York.  
 Mr. Connery with Mr. Smith of Washington.  
 Mr. Thom with Mr. Hennings.  
 Mr. Brown of Michigan with Mr. Cole of Maryland.  
 Mr. Robinson of Utah with Mr. Kenney.  
 Mr. Gasque with Mr. Gingery.  
 Mr. Wilson of Louisiana with Mr. Cross of Texas.  
 Mr. Flannagan with Mr. Brennan.  
 Mr. Dobbins with Mr. Sanders of Louisiana.

Mr. KNUTSON, Mr. FARLEY, Mr. McCORMACK, Mr. FADDIS, Mr. DOCKWEILER and Mrs. KAHN changed their vote from "yea" to "nay."

Mr. COOPER of Ohio and Mr. BUCKLER of Minnesota changed the vote from "nay" to "yea."

The doors were opened.

The result of the vote was announced as above recorded.

The Clerk read as follows:

Title XV—(S. 1431. For the relief of the Collier Manufacturing Co., of Barnesville, Ga.)

That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Collier Manufacturing Co., of Barnesville, Ga., the sum of \$48,719.70 in full settlement of all claims against the Government for losses sustained by said Collier Manufacturing Co. on account of the manufacture of undershirts for the United States Army in the year 1918: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HENRY W. BIBUS ET AL.

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2734) to confer jurisdiction upon the United States Court of Claims to hear and determine the claims of Henry W. Bibus, Annie Ulrick, Samuel Henry, Charles W. Hensor, Headley

Woolston, John Henry, estate of Harry B. C. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania, a similar House bill having been passed by the House today.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Court of Claims of the United States be, and it is hereby, given jurisdiction to hear and determine the claims of Henry W. Bibus, Annie Ulrick, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, estate of Harry B. C. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania, and severally to award judgments covering compensation for losses and/or damages arising through the seizure, condemnation, and sale of those certain lands, theretofore belonging to them, more specifically described in the decree of the District Court of the United States for the Eastern District of Pennsylvania, on June 9, 1921, in a proceeding entitled "United States of America against Certain Tract of Land in Falls Township and borough of Tullytown, Bucks County, Pa.", December term, 1918, no. 5860, notwithstanding the fact that said claimants executed and delivered deeds pursuant to the said decree of the court in the above-entitled matter, and, notwithstanding that said claimants were paid the respective amounts set forth in said decree, the said losses and/or damages to be awarded to be the difference between the entire amount paid for the purchase by the Government of the whole tract and the amount for which the Government subsequently sold the tract, said total difference to be distributed to the respective claimants herein, prorated in accordance with the number of acres taken by the Government.

Sec. 2. Suit hereunder may be instituted at any time within 4 months after the approval of this act, notwithstanding lapse of time or any statute of limitations, and proceedings herein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code as amended.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Without objection, the proceedings by which a similar House bill was passed will be vacated.

There was no objection.

R. O. T. C. AT THE CITADEL, THE MILITARY COLLEGE OF SOUTH CAROLINA

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the R. O. T. C. as an educational factor and to include therein brief extracts from a prize-winning essay, written by Cadet Thorpe, of the Military Academy of South Carolina.

Mr. RICH. Mr. Speaker, reserving the right to object, I dislike very much to object to anything that a Member wants to put in the RECORD, but the RECORD is supposed to portray the proceedings of Congress, and whenever we go into the field of including articles by students in educational institutions, who have probably written good articles, I think we subject ourselves to criticism. I do not think the CONGRESSIONAL RECORD is the place to print such articles, and, therefore, I shall have to object.

Mr. McSWAIN. If the gentleman will permit an explanation, these are my own remarks with some brief extracts from the prize-winning essay referred to.

Mr. RICH. I beg the gentleman's pardon. I thought the gentleman was asking to include the essay.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, we South Carolina people are naturally and properly proud of The Citadel, situated at Charleston, S. C., officially known as the "Military College of South Carolina", over which Gen. Charles P. Summerall presides. We know him to be a gentleman whom young men would do well to imitate and to emulate his example of upright, honorable living. His career as a soldier, and especially as a field commander of a division and next of an Army corps, in the thick of the worst fighting during the World War, is a source of pride to all Americans.

Last year, in order to stimulate thinking along the lines of sound and sane national defense, I offered, through General Summerall and The Citadel authorities, to present a set



of books dealing with national-defense questions to that student of The Citadel who would prepare and submit the best essay on the subject, "The Place of the R. O. T. C. in a Proper Program of National Defense." I am advised that a number of students submitted essays in this contest, and that, in addition to the winner, several young men received honorable mention. I am advised that the winner in this contest was Cadet James E. Thorpe, Jr., and that the following cadets are worthy of honorable mention by reason of the high quality of their essays: R. N. Walden, E. D. McCrackin, R. N. Hobbs, L. W. Smith, and G. C. Jones.

Mr. Speaker, it gives me very great pleasure to submit for printing as a part of my remarks on this subject the essay prepared by Cadet Thorpe. I congratulate him and I congratulate his family and friends upon his success. I also congratulate the cadets who received honorable mention. In like manner, I congratulate all who entered the contest, because effort always brings its own reward of development and improvement, whether or not the immediate prize be won.

I am at a loss to understand why there is opposition to R. O. T. C. in some quarters. In my humble judgment, it is the most economical, the most sane and the most practical way of keeping a sufficient number of our citizens adequately trained to be leaders in a national emergency. These young men are not jingoists; they are not professional militarists; they are not agitating to bring on war. But they are prepared if any sort of emergency should arise needing armed forces, to lead the raw, untrained civilians in order to protect and defend our Nation against invasion and to defend our constitutional Government against the forcible and violent assaults of any lawless groups that may arise within our own population. These are contingencies that history warns us to be prepared to meet. The mere fact that we are prepared may avert their coming.

Mr. Speaker, here are extracts from the essay above referred to:

THE PLACE OF THE R. O. T. C. IN A PROPER PROGRAM OF NATIONAL DEFENSE

War is declared! The dire news is emblazoned in every newspaper in the country, published by every mouth, pondered by every mind. Anxiety, patriotism, fear, courage, love, and hatred are so commingled that the country is beset by near hysteria. What shall we do? Frantically begins the preparation for a struggle which the people have been assured will never occur and which is now rudely thrust on a nation long lulled into a feeling of false security. Thus has it always been in our short history of military endeavors; thus have we always spent \$5 in immediate war preparation where \$1 should have sufficed; thus have we ever placed ourselves at the mercy of an armed enemy.

In spite of the magnificent gestures of many treaties and the noble attempts of peace pacts to outlaw war, stark reality insists that the civilizations of the world have not yet attained a culture sufficiently high to obviate the recurrence of international strife. Open conflict is possible and imminent throughout the world today. We owe it to ourselves to maintain a program of national defense which will at all times assure us security. Any defense less will be an invitation to conquest by hostile arms; any defense more will amount to burdensome militarism. A proper program of national defense must include instantly available armed forces strong enough to repel an invader in case of a national emergency. But can we be assured that such a program will not infringe on our liberty?

In an army, as in all institutions, leadership is probably the most important element. Ordinary soldiers can be trained well in a short period of time to fulfill their duties, but officers should undergo a more extensive preparation in order that they may have a broader comprehension and more sympathetic understanding of the general scope of their work. It is foolish to expect that men can be taken from civilian life and metamorphosed into officers within 90 days. At the outbreak of the World War, we had 9,000 active officers, but 200,000 officers were actually in our Army during the war. Where did the other 95 percent come from? The majority were products of training camps designed to turn out officers as rapidly as possible. They had little more than a superficial knowledge of the duties which they might be called upon to fulfill. Now the situation is different—in case of war, 90 percent of the officers of the Army would come from the Reserves, and the flowing spring which feeds this most valuable and active component of our wartime Army is the R. O. T. C.

Although military training in colleges had its inception in the Morrill Act of July 2, 1862, the R. O. T. C. was first authorized by the National Defense Act of 1916. Its present form is the

one designed by the National Defense Act of 1920. The officers which it produces will command the platoons, companies, battalions, and often regiments and larger units which actively engage in war. The few Regular Army officers will be detailed largely for staff duty and the training of raw recruits. Thus the men who today constitute the R. O. T. C. may one day be called upon to bear the brunt of leading our Army—on them will rest to a large extent the actual success or failure of a nation at war. These are intelligent men who must graduate from one of the 115 selected colleges giving an intensive course in military subjects (which includes attendance at a 6 weeks' summer camp) under the direction of the War Department in order to be considered for commissions. Its little brother, the Junior R. O. T. C., operates in the same manner in 139 secondary schools of similar qualifications. These embryonic reserve officers realize that every citizen is obligated to defend his Nation when it is attacked and that it is the duty of the educated to be prepared as leaders in time of national emergency. And this realization is so strong that it impels them to create an attitude of suitable patriotism throughout the country for a proper national defense against foreign aggression. And by the same token it arms us against subversive internal elements which may struggle for supremacy. Just as no knight armed with a broomstick would attack another his equal who had a sword that he could unsheathe on provocation, no nation will attack another of comparable size and resources when the latter has a potential army such as one made possible by the graduates of the R. O. T. C.

Many people object to the R. O. T. C. on the ground that it will bring about a militaristic attitude in our youth. On the contrary, cadets are made aware that war is futile. They constitute a large percentage of the rising generation; their constant efforts to prevent useless strife will go far in bringing about a saner attitude toward the entire political and economic organization. It is they who have pledged their services (and made these services valuable) in the effort to maintain peace and national integrity, yet it is they who have the most to lose in war. In preparing themselves for the worst, they prepare themselves at the same time for the best. Military training changes youths into men by giving responsibilities which will mold characters for civil life—characters long imbued with the ideals of truth, justice, and love of native land.

Others claim that the R. O. T. C. is economically burdensome. Since its inception less than \$55,000,000—the price of two good-sized battleships—has been expended on it. In that time, 528,140 students have been enrolled in the senior R. O. T. C. and 76,201 have graduated. And 53,202 are at present enrolled in the junior R. O. T. C. This expenditure on the youth of the Nation is a sounder investment and bears greater interest returns than any other which could be made with the money.

Thus we see that the R. O. T. C. is a stabilizing influence in the ever-changing panorama of American life. The devising of this agency has opened a broad new boulevard whereby our country can reach the necessary and worthy goal of a proper national defense without traveling the bumpy roads of militarism. This is the potential place of our R. O. T. C. in a proper program of national defense. Unfortunately, the student training corps has not yet been allowed to assume its true proportions, but we can work to gain it recognition fortified by the knowledge that this R. O. T. C.—our national safeguard—will ever uphold the finest of democracies.

ORDER OF BUSINESS

Mr. KVALE. Mr. Speaker, I rise at this time to propound a parliamentary inquiry. May I ask whether the Speaker or the majority floor leader or the chairman of the Claims Committee is able at this time to tell the House whether or not there will be another day upon which omnibus private bills, as yet uncalled, may be considered?

The SPEAKER. Speaking for himself, the Chair is unable to inform the gentleman from Minnesota.

A LEGISLATIVE REPORT TO MY CONSTITUENTS

Mr. SCOTT. Mr. Speaker, I have been asked by my colleague the gentleman from California [Mr. HOEPEL] to ask unanimous consent that he may extend his remarks in the Record and include therein three short quotations—one from the late Senator La Follette, one from the Democratic platform, and one from the Secretary of Labor, Mme. Perkins. I understand the whole thing will be about 15 lines in length.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HOEPEL. Mr. Speaker, as it will be physically impossible for me to meet all of my constituents during the ensuing campaign, and as I consider that they should have a complete record of my service as their representative, I submit the following résumé of my activities as Representative of the Twelfth Congressional District of California since 1932.

On August 25 my constituents will have the opportunity of registering, by their vote in the primaries on that date, their



approval or disapproval of my record as their Representative in the Congress of the United States, and on November 3 they will be called upon to choose their Representative in the Congress for the next 2 years. It is only on a basis of actual facts, which I am pleased to present, that they can decide whether or not I have "kept the faith" and am entitled to a continuance of their support.

It is impossible, of course, to condense a report of my 4 years' activities into a few pages, but this I have endeavored to do as well as possible, in the accompanying résumé of my record, which I have indexed both alphabetically, according to subjects considered, and by subheads, so that anyone may readily ascertain how I stood on any certain question. The facts which I present may be confirmed by the CONGRESSIONAL RECORD, bound copies of which I have placed in the leading libraries of my district.

It is necessary that I fortify my remarks by the official RECORD, since I found in my last campaign that so many individuals, seeking office, are prone to contort the public record of an individual and to use tactics commonly termed "mud slinging" in an effort to further their own interests. I have always endeavored to conduct a clean campaign, and I reaffirm my pledge that I shall not resort to unfair tactics of any kind against any opponent. I am more than willing to rest my case with the people on a basis of my actual record in the Congress in their interests.

#### MY SERVICE REWARDED WITH CHAIRMANSHIP

During my 4 years as Representative of the Twelfth Congressional District I have taken an active, aggressive part in support of legislation to bring about the reemployment of our unfortunate unemployed at living wages, and to restore to them the opportunities which they have a right to expect in a democracy. I have been guided at all times by my earnest desire to advance the interests of the people whom I have the honor to represent, and of the Nation generally, and I have steadfastly refused to be intimidated or coerced into voting against my honest convictions.

In recognition of my service, when I was reelected in 1934 my colleagues honored me with the chairmanship of an important committee of the Congress, the only major chairmanship held by a California Member of Congress, in fact, by any Congressman west of the Rockies. This position, naturally, has increased my sphere of influence and opportunity for service to my constituents.

#### A REPRESENTATIVE SHOULD BE FREE TO REPRESENT HIS CONSTITUENTS

My conception of a Representative is an individual who will conduct a clean campaign, free from alliances with selfish interests or special groups, and who will hold himself subservient only to the people whom he represents, not to polished and astute politicians who work behind closed doors to attain their objectives. Unless I can win reelection on the basis of my past endeavors, with my entire record open for public inspection, for criticism and praise where merited, I do not wish reelection.

#### ELECTED AND REELECTED WITHOUT HELP OF POLITICAL MACHINE

I was elected in 1932 and reelected in 1934 as Representative of the Twelfth Congressional District of California without the assistance of any political machine or political faction, and have thus been in a position to act independently at all times in the interest of the people who sent me here.

Under no circumstances will I align myself with so-called political machines which, not only in California but elsewhere, have been the very agencies which have brought about corruption in politics to such an extent that the Congress of the United States itself is commonly termed a "rubber stamp" Congress.

#### "FOLLOW THE PRESIDENT" IS NO PROPER DEMAND IN A DEMOCRATIC GOVERNMENT

I have been criticized by some few individuals because I failed to follow the President on every proposal which he submitted to the Congress, even though such proposals were not incorporated in or even remotely a part of the Democratic platform of 1932, and, in some instances, were diametrically opposed to it. My public record will show that I have followed the Democratic platform throughout, and as a candidate for

reelection this year on the Democratic ticket I will again support the platform, but I will not promise or pledge myself in advance to support any proposals from a new Democratic administration unless such proposals are incorporated in the Democratic platform or are in accordance with the wishes of the majority of the voters of my district. I will not pledge myself in advance to follow any individual or group of individuals, since it is self-evident that we may as well dissolve our legislative body if representatives of the people are to be without an independent voice. I, for one, refuse to be herded and coerced into voting for measures submitted as so-called "must" legislation. If the free and independent voice of the people's representatives is thus silenced, our liberties as a people are correspondingly threatened. After my own conscientious study of measures proposed, I will always vote for what I consider to be the best interest of the entire people and in accordance with the wishes of my constituents. I, for one, have more confidence in the judgment, based on due deliberation, of the 435 Representatives in Congress than I have in the suggestions of any one individual, regardless of whom he may be.

That great liberal and progressive, Senator Robert La Follette, Sr., voiced my convictions in this connection in his speech in the Senate on April 4, 1917, in which he opposed the entrance of the United States into the World War and answered his critics who berated him because he refused to follow the President on that important issue. At that time he stated:

Mr. President, I had supposed until recently that it was the duty of Senators and Representatives in Congress to vote and act according to their convictions on all public matters that came before them for consideration and decision.

Quite another doctrine has recently been promulgated by certain newspapers, which unfortunately seems to have found considerable support elsewhere, and that is the doctrine of standing back of the President, without inquiring whether the President is right or wrong. For myself, I have never subscribed to that doctrine and never shall. I shall support the President in the measures he proposes when I believe them to be right. I shall oppose measures proposed by the President when I believe them to be wrong.

For his steadfast refusal to be intimidated or swerved from his convictions he was insulted by his colleagues and branded by his enemies as disloyal to his country, but he is today acclaimed as one of our great Americans, and liberal and conservative alike pay him homage for his sincerity of purpose and the dauntless courage with which he defended principle above party.

#### THE INTEREST OF THE PEOPLE CONTROLS MY VOTE

In order to protect the savings of depositors, I did "follow the President" when he submitted his first recommendation to the Congress authorizing the printing of \$2,000,000,000 of fiat money to turn over to the banks, even though the financial interests we were thus salvaging were responsible, in large measure, for our depression.

#### OPPOSED LEGISLATION AGAINST VETERANS AND FEDERAL EMPLOYEES

I did not "follow the President" when he proposed the Economy Act, which struck so unfairly at our disabled veterans and all Federal employees. This act, which brought such an aftermath of suffering among our disabled veterans and their dependents, was passed by the House of Representatives after only 20 minutes of discussion, without the right of amendment or even an opportunity for individuals, like myself, who were interested in a square deal, to discuss the measure, and was enacted into law within 15 days after the President assumed office. I would not be stampeded into becoming a "rubber stamp" to vote discriminations against the veterans of our wars and all Federal employees under the administration whip, and I am proud to state that I voted against the President on this question on every occasion. That I was justified in my stand was clearly shown by the subsequent action of Congress and the President himself whereby the unfair and discriminatory provisions of the Economy Act were repealed. Even before the first session of the New Deal Congress was concluded the Congress and the President back-tracked and corrected some of the injustices of the Economy Act, but not all of them.



In the second session many further corrections were made by the Congress and the President, and the Veterans' Administrator advises me that since the economy bill became a law there have been 11 different enactments of the Congress itself to correct discriminations resulting from this measure. In addition, the President has issued 12 Executive orders, with 29 amendments to these Executive orders, making a total of 41 Executive orders issued by the President as a result of the Economy Act. In addition, the Veterans' Administration has rendered 261 Administrator's decisions in reference to the act, and there have been revised wholly or in part 815 paragraphs of regulatory material used by the Veterans' Administration in carrying on its activities.

For my opposition to the Economy Act and my loyalty to principle above party I was severely censured at the time, but I have been clearly vindicated in my stand, as I have explained above.

**PENALIZING DISABLED VETERANS WHILE WE WASTE PUBLIC FUNDS  
BOONDOGGING**

Notwithstanding that the administration was so insistent on economy at the expense of our disabled veterans and Federal employees under the Economy Act, millions were wasted under the C. W. A. on boondoggling projects, all of which must be repaid twofold under our present system of paying for such expenditures through the issuance of tax-exempt bonds.

Later the President requested that he be given a check for \$4,800,000,000 for work-relief purposes, without any restrictions whatever by the Congress as to its expenditure. Think of it—appropriating \$4,800,000,000 of your money, without your Representatives knowing what was to be done with the money! This bill, after its disposition in 20 minutes in the House, was held up in the Senate for almost 3 months. Finally, after the merest semblance of earmarking the huge appropriation, it was enacted into law. I voted for this bill, not because I approved of the method proposed but there was no other alternative, inasmuch as the administration leadership would not permit amendment, and I could not be a party to any procedure which would deny our millions of unemployed and heads of families any opportunity to earn a subsistence—even as obnoxious to me as was the manner of handling this appropriation.

**THE PAUPER WAGE SCALE IS UN-AMERICAN**

I mention "pauper wage scale" because of the fact that the relief bill, as enacted, provided for a "security wage" of from \$19 to \$95 per month, which I consider to be an unfair wage standard for the American worker. I opposed this "security" or so-called "pauper wage", and urged that prevailing wages be paid to the unemployed. Those of my critics who denounce me for not following the President throughout by their very criticism make themselves sponsors of this "starvation wage", which millions of our unfortunate unemployed have been forced to accept or have nothing.

Although theoretically the friends of labor lost in their efforts to embody the "prevailing wage" provision in the law, in actual administration of the relief funds the prevailing wage was paid in many places where the pressure of labor groups was strong enough to secure this consideration. Moreover, the \$1,500,000,000 relief appropriation measure enacted in this session specifically provided for the payment of prevailing wages to relief workers, and W. P. A. Administrator Hopkins himself appeared before the Senate committee in support of such a provision. Thus have the administration, and particularly Administrator Hopkins, by their reversal of attitude on this question, vindicated and upheld me in my opposition to the "pauper wage scale."

**FOLLOW THE PRESIDENT OR FIGHT FOR A LIVING WAGE FOR OUR  
UNEMPLOYED—WHICH?**

Those who are "with the President 100 percent" must approve of the President's "security wage scale", which approximated \$55 per month for the worthy unemployed in California. As I mentioned before, I opposed the President on this point, and if reelected will oppose him again, as I believe in a living wage and not a pauper's wage for our American workers.

In this same connection I opposed the \$30 per month which is paid to the men and boys in the C. C. C. camps and cooperated with the Honorable WILLIAM P. CONNERY, chairman of the Committee on Labor, who proposed a wage scale of \$80 per month. The record will show that I offered an amendment to provide \$50 per month for the men and boys in the C. C. C. camps.

**WHY LET ALIENS TAKE OUR JOBS?**

I introduced and advocated legislation providing for the deportation of aliens who decline to become citizens, thus making available more jobs to American citizens. At the same time I favor closing the doors for the present to all foreign immigration, or at least restricting immigration to relatives of American citizens where family welfare would be more humanely considered by permitting their entry, and I would favor even this restricted immigration in limited numbers only.

**WHY GRANT ADDITIONAL BENEFITS TO A PRIVILEGED CLASS WHILE  
MILLIONS STARVE?**

I opposed the officers' promotion bill, sponsored by the administration, which increased the rank and pay of 9,000 well-paid and well-fed Army officers, while millions of our citizens were unemployed and in want. Over 9,000 officers are receiving from \$379 to \$500 per month, plus free housing, subsistence, medical, and other substantial allowances, while at the same time, as I have indicated, the administration provides as low as \$19 per month for our unemployed citizens on W. P. A. projects. Fighting alone on the floor throughout the entire day, although I was unable to defeat this measure, I did succeed in securing an amendment to the bill deferring its effective date for a period of 30 days, thus saving the taxpayers approximately \$100,000. This bill also provided retirement at \$149 per month for able-bodied 37-year-old Army officers, many of whom immediately after retirement take Government jobs, thus entering into competition with civilians and drawing two pay checks from the Government.

The President was apparently so much in favor of granting this increase to these already overpaid officers that the bill, when passed by the Congress, was rushed to the White House within half an hour and signed immediately, which is contrary to all precedent. The reason for this haste was that if the bill had gone to the President in regular course of procedure the benefits provided would have been delayed for another month, thus saving the taxpayers an additional \$100,000.

**THE OLD PEOPLE HAVE EARNED THE RIGHT TO REAL SECURITY**

I also voted against the President's so-called security bill, which authorized a pauper's pension of \$30 per month to our aged citizens. I am not in favor of requiring a pauper's oath from any aged citizen who is so unfortunate as to be without adequate means of support in his old age. I was the first Member of Congress ever to speak on the floor of the Congress in behalf of the Townsend old-age pension, and I am surprised indeed to find my Democratic opponents opposing me on an "all the way with Roosevelt" platform and at the same time promising to work for the Townsend pension plan, knowing, as they must, that the President is unalterably opposed to the Townsend old-age pension. This is inconsistency personified! How can anyone be for Roosevelt "all the way" and at the same time work for the enactment of the Townsend pension, to which he is absolutely opposed? I believe my constituents are too sensible to swallow the political bait of those who thus attempt to carry water on both shoulders.

**THE TOWNSEND PENSION IS A PRINCIPLE WITH ME, NOT MERELY A  
POLITICAL PROMISE**

I fought for the Townsend plan when to advocate such pension meant ridicule on the floor of Congress. Notwithstanding this, I fought incessantly for this measure, and now many are rallying around the standard of Dr. Townsend, hoping to garner votes for themselves. It is easy for a candidate to promise support when the ground has been broken and the foundation laid. I feel confident that those who are in favor of the Townsend plan will realize that one who has made good and who has demonstrated his sincerity by ac-



tually fighting for the plan is more to be considered for support than an individual who is offering a mere promise in order to obtain votes. We know the record of a man who has fought a valiant fight in office, whereas we can never be sure of the mere promises of politicians, so easily made and so much more easily forgotten, once election has been attained. My record in behalf of the Townsend plan speaks for itself. Why trade horses when the steed you are riding has proven faithful and able to carry the load?

THE GOVERNMENT SHOULD CONTROL THE LIQUOR INDUSTRY IN THE PEOPLE'S INTERESTS

The present system of the manufacture and sale of intoxicating liquors has proven a travesty on regulation or control in the people's interests. In my speech advocating substantial pensions for our aged citizens I urged that the Government take over the manufacture and distribution of intoxicating liquors and that the profit from this industry be applied wholly to guarantee economic security to all citizens beyond the age of 60 years and the disabled under this age. As long as we permit the profits to remain in the hands of the private manufacturer and distributor the seeds of political corruption will remain in the liquor industry, it will be more difficult to combat crime and lawlessness, and the honest endeavor of the Government to inculcate sobriety and temperance in the citizenry will be increasingly difficult. Other nations of the world have been taking over monopolies, even in such commodities as salt, tobacco, and so forth, but the huge profits accruing to these governments through such monopolies are as nothing compared to the moral values to be derived for the people from Government control of the liquor industry.

I HAVE ALWAYS SUPPORTED AND WORKED FOR EDUCATIONAL PROGRESS

I deplored the procedure under the C. W. A., and later under the W. P. A., whereby our educated men and women, out of a job, were compelled to engage in manual labor, in some instances ditch digging, in order to obtain a subsistence wage.

I introduced legislation to provide substantial but not exorbitant research fellowships to individuals holding degrees in the sciences, medicine, dentistry, and so forth. It is my contention that if we had given a reasonable rate of pay to the unemployed scientist, physicist, chemist, and others in the fields of higher learning, the benefits which would have accrued to our Nation as a result of their researches would have more than compensated for the small additional outlay which the Government would have had to make to place these highly trained and outstanding citizens at work on useful projects in their own fields rather than at manual labor.

I also advocated a distinct increase in appropriations for the Bureau of Standards so that this valuable department of Government could expand its activities and research in the interest of adding to our industrial and economic welfare.

I supported legislation in the interest of rural education and have consistently worked and voted in the interests of our public schools and institutions of higher learning.

I also favor an adequate compensation to those in the teaching fraternity and strenuously insist upon their right to retirement at a substantial annuity, upon their own application, on attaining the age of 60 years or, if disabled, prior to attaining that age. The teaching profession is sadly underpaid. Salaries should be greatly increased in order that we may maintain the highest possible standard for the personnel in this profession.

The Nation progresses in more or less direct proportion to its advancement in education and its attainments in the various sciences, and I am convinced, therefore, that funds intelligently expended in these fields will bring to our people a substantial return on such investments.

MY STAND IN OPPOSITION TO THE PRESIDENT WAS FOR PRACTICAL MORTGAGE RELIEF

I voted against the first bill providing mortgage relief for home owners and our distressed farmers, recognizing at the time that these measures were unfair to the mortgagees be-

cause the principal of the bonds was not guaranteed, and as a result thereof little relief, if any, could be expected through this means for our distressed home owners. The records will prove that practically no mortgage relief was given to any of our distressed home owners or farmers until, in the next session, these acts were amended to guarantee the principal of the bonds. I then supported these measures and they have been helpful to a great degree, although not wholly satisfactory.

I FOUGHT FOR LOWER INTEREST RATES TO THE FARMER AND HOME OWNER

In a subsequent session I endeavored to secure a reduction in the interest rate which the distressed home owner is compelled to pay, but was unsuccessful. Later, however, my ideas were incorporated in a provision for lower interest rates for the farmers, but as yet the interest rate which the city home owner is compelled to pay has not been reduced. I am hopeful that in the next session of Congress the interest rate under the H. O. L. C. will be radically reduced, since the \$50,000,000 which the H. O. L. C. is contemplating as profit is nothing other than tribute which the distressed mortgagee is being called upon to pay through the exaction of 5-percent interest on moneys which the Government itself borrows from the bankers at 2¾ percent or less.

I am not in favor of this type of chiseling at the expense of the distressed American home owner or farmer. Those of my opponents who criticize me for not following the President blindly are thus approving of these high interest rates which I sought to have reduced in the interest of a square deal to the distressed citizen. Would my constituents have me go along with the President all the way and vote to continue the high interest rates provided in the administration measures, or would they have me continue my fight for lower interest rates in the interest of the people?

I WORKED PARTICULARLY TO RELIEVE THE DISTRESS OF CALIFORNIA HOME OWNERS

I cooperated with the late Montaville Flowers, who visited Washington in the interest of protecting the California home owner from property and other losses due to assessments under the Mattoon Act. I regret to state that thus far, however, our objectives have not been attained, although legislation is now pending designed to relieve home owners from exorbitant interest rates and at the same time give them a breathing spell from the assessment burden.

WHO CAN DEFEND THE A. A. A. CROP-DESTRUCTION POLICIES WHILE MILLIONS OF OUR PEOPLE STARVE?

I voted against the A. A. A. and every amendment thereto, as I considered this bill to be not only unconstitutional but an indirect sales tax on foodstuffs which bore most heavily upon the unemployed, thus adding to their distress by an increase in living costs. We all recall the high prices we were forced to pay for pork and other meats following the enactment of the A. A. A. I am not an apostle of increased prices to the consumer through a program of scarcity. I am opposed to the destruction of God's products through the plowing under of cotton, the burning of wheat and other foodstuffs in the field, and the slaughter of pigs and other livestock under the fallacious theory that the less you have the more prosperous you will become. In Gillette, Wyo., in 1934, I met Government agents who had instructions to wantonly slaughter 200,000 head of sheep in that State alone! The A. A. A. Act was declared unconstitutional by the Supreme Court and its principles discredited, thus vindicating my opposition to its enactment.

PROTECTION AND ENCOURAGEMENT BUT NOT SUBSIDIES TO THE FARMERS

I favor legislation which will protect the American agriculturalist against the exploitation of the stock market and the middleman, and I also favor such tariff legislation as will adequately protect American agriculture from the competition of cheap foreign labor. I believe in every measure of governmental support and encouragement to the various agricultural groups, through marketing agreements and other assistance, which will assure to them the cost of production plus a reasonable profit.



THE FRAZIER-LEMKE BILL WOULD BRING REAL MORTGAGE RELIEF TO  
DISTRESSED FARMERS

I was one of the earliest signers of the petition to bring the Frazier-Lemke farm refinancing bill before the Congress for consideration. I was pleased to lend my support throughout to this measure, which represented the people's interest versus the bankers, and I was one of the 142 Congressmen who voted for its passage. Unfortunately, due to administration pressure, this bill was defeated, and as a result our distressed farmers will continue to pay high interest rates on credit extended to them by the bankers, which credit is virtually the credit of the people themselves, and all the bankers do is to extend this credit through the medium of a fountain pen.

If the Frazier-Lemke farm refinancing bill had been enacted, it would have brought real mortgage relief to the distressed farmers without one cent of cost to the taxpayer, and, at the same time, it would have returned a net profit to the Government of several billion dollars through the interest payments which would accrue to the Government.

THE RECIPROCAL TARIFF ACT MUST BE AMENDED TO PROVIDE PROTECTION  
TO OUR HOME PRODUCERS

I voted for the reciprocal tariff, which was included in our Democratic platform and which was advocated by the President. Our experience has already demonstrated, however, the necessity of amending the law to more adequately protect American agriculturalists and at the same time retain the benefits which it has brought to some of our American manufacturers. This necessity arises from the fact that it has been found that in important instances the favored-nation clause in existing tariff treaties permits the importation of foreign products from certain nations which buy very little, if any, of our products in return. In these instances it is a one-sided agreement to the advantage of the foreign producer and detrimental to American agriculturalists and manufacturers.

I believe we should follow the slogan "America first", since it is self-evident that it is unfair to the American taxpayer to pay the American farmer to reduce his crops and remain idle while, at the same time, we permit increased importations of competitive foreign agricultural products.

I PROTECTED THE INTERESTS OF CALIFORNIA CITRUS GROWERS

The official record of committees and the Congress will show that I protected the interests of the avocado and orange growers of my district. The Florida delegation in Congress appeared before the Committee on Interstate Commerce protesting against the present law, which requires that oranges, colored artificially, have an imprint on each orange, "Color added", and urging that such requirement be abolished. I was the only Member of Congress from California to appear before the committee to insist upon the continuance of this requirement in the interest of our California growers, whose product is of such a high quality that they do not resort to artificial coloring to increase its attractiveness. Working in collaboration with officials of the Department of Agriculture, I showed conclusively to the committee that the natural color of California oranges makes artificial coloring unnecessary, and that unless the imprint "Color added" is required where such coloring is used the California growers will suffer unfair competition from Florida growers.

I am pleased to report that my efforts have been successful thus far in the interest of the California growers, although the Congressmen from Florida, candidates for reelection, are pledging that they will have this restriction on Florida growers removed, which would be detrimental, of course, to the interests of our California growers.

I also worked with the Secretary of State and a delegation from California and Florida to protect the interest of the avocado growers in the reciprocal tariff arrangement which our Government concluded with Cuba.

I mention these facts as an evidence of my activities in behalf of our California fruit industry, and as a Member of Congress with 4 years' experience, and also as chairman

of a committee in Congress—of which there are only 31 in the entire Congress—I feel that I have more influence in the Congress than would any newcomer without my background of experience and prestige as chairman of a committee.

THE POULTRY INDUSTRY SHOULD BE PROTECTED

I urged and fought for the enactment of the Knutson and Lea bills, which would protect the poultry and egg business of California from the competition of the cheap products of oriental poultrymen. I believe in protecting not only the poultry industry but any other American industry able to produce our entire domestic requirements as long as the prices of American products are kept within a reasonable price limit. I have always supported, and will continue to support, any legislation which will protect American industry, agricultural or industrial, from cutthroat competition from foreign nations whose labor standards are so palpably inferior to our own.

THE HEALTH AS WELL AS THE POCKETBOOK OF THE CITIZEN MUST BE  
PROTECTED

I favor the enactment of a pure food and drug bill which would protect the health as well as the pocketbook of the American citizen. In the Department of Agriculture Building in Washington is a room appropriately termed the "Chamber of Horrors", which exhibits hundreds of fake medicines and devices sold to the unsuspecting public by scheming quacks and fakers, only to take a staggering toll of human lives, not to mention the needless suffering occasioned thereby. Many of these poisons and instruments of torture are still on the market, and the Government is powerless to control them. I want to see our foods pure and unadulterated and up to definite standards of quantity and quality. I want to see our drugs and cosmetics effective and not injurious to health. I want to see truthful advertising, truthful labeling of foods and drugs, and speedy justice and firm penalties to offenders of our food and drug laws.

THE FARCE OF THE TOBACCO AND POTATO CONTROL ACTS

I voted against the administration-sponsored tobacco and potato control bills, which latter was so ridiculous that the Secretary of Agriculture himself failed to follow the law on this subject. Both of these bills were later recognized as unconstitutional and the President recommended their repeal, vindicating my stand in opposition to their enactment.

I VOTED FOR EMPLOYMENT RELIEF, BUT OPPOSED THE PRINCIPLE OF  
N. R. A.

I voted for the N. R. A., not because I believed the bill to be a sound recovery measure—in fact, an examination of the CONGRESSIONAL RECORD will show where I stated in voting for this bill that I did so with my fingers crossed—but I voted for it because it contained a section authorizing \$3,300,000,000 to provide work for the unemployed. I had no other alternative than to vote for the measure if I wanted to assist the unemployed, even though I recognized that the N. R. A. itself was a form of regimentation alien to our principles of liberty and democracy, and I doubted its constitutionality. I further feared that such regimentation would squeeze out and eliminate the small businessman, and the results of the administration of this act justified my apprehensions. This act was declared unconstitutional, thus confirming my judgment and justifying my expressions of disapproval of the measure when I voted for it in order to give employment to our unfortunate unemployed.

THE INDEPENDENT MERCHANT MUST BE PROTECTED AGAINST CHAIN-STORE  
MONOPOLIES

I favor the enactment of the Robinson-Patman bill, which is aimed at monopolies and price discriminations, all of which operate against the small merchant, and I am hopeful that this bill will be enacted into law.

COERCION IN LEGISLATION IS A THREAT TO DEMOCRACY

I have observed that many Representatives receive instructions from machine politicians at home as to how to vote on pending legislation. An attempt was made in the last session to exert such influence on me through my vote on the utility bill, but I am not that type of Representative and never will



be. I was even indirectly approached by a high ranking official of the Relief Administration and told that California relief funds might be reduced unless I voted for the death clause in the utility bill.

#### I AM OPPOSED TO THE UTILITY HOLDING COMPANIES

I am opposed to the utility holding companies, as any other honest citizen must be, where it is shown that corruption or illegal practices exist. Our platform, however, calls for regulation of utility holding companies, but not for their extermination without due process of law. I voted in accordance with our Democratic platform, which, to be specific, enunciates our Democratic policy on this question as follows:

Regulation to the full extent of Federal power of—

(a) Holding companies which sell securities in interstate commerce.

I am not an opponent of wealth in any category, but I oppose wealth where it is used to the disadvantage of the worker and the citizen. Regulation of utility companies through the sensible system of taxation of the interlocking and pyramided companies would have protected the investments of the stockholders and controlled the utility companies through orderly constitutional means, while arbitrary dissolution would have caused chaos to the investors and thus further unbalanced our economic order. The issue was not the guilt or innocence of the offender but of the method of correction of the acknowledged evil, and the fact that I supported the constitutional means cannot, under any circumstances, be interpreted as approval of or even acquiescence in the policies and practices of the big utility companies. Such an assumption would be as unreasonable as to accuse a judge of condoning crime because he does not mete out the exact punishment requested by the prosecuting attorney.

Those of us who sincerely wish to curb and control the utility holding companies render a greater service to the public by advocating and supporting legislation which will pass constitutional tests than do those who propose radical legislation which cannot be administered because of constitutional limitations. Our experience with the N. R. A. and the A. A. A. has demonstrated that we can attain our objectives and bring relief more expeditiously by enacting sensible legislation within constitutional limitations than by radical experimentation which not only upsets business but which reacts against itself when submitted to the Supreme Court.

It is problematical whether or not the modified utility act will survive the Supreme Court. It has already been declared unconstitutional by a court of appeals and is now pending before the Supreme Court for a decision.

I am convinced that the regulation of the utility holding companies, as provided in our Democratic platform, through the medium of taxation, would pass the test of constitutionality and would bring about the desired result—that is, lower utility rates to the consumer through a constitutional and orderly process.

#### ELECTRICITY AND WATER RATES SHOULD BE LOWERED

I voted for the T. V. A. and am in favor of Government ownership or control of every natural resource in the interest of the citizen and ultimate consumer. The Tennessee Valley Authority has already brought about, through comparison, a reduction in electric rates, and if the Government would continue such projects as Boulder Dam, the Grand Coulee Dam, the Columbia River project, and so forth, along the lines of conservation and flood control, we would not only conserve our resources but at the same time, through the building of required dams and check dams in the smaller tributaries, we would save the enormous losses recurring from time to time due to floodwaters.

As I have so often indicated, wherever the Government, through the development of any natural resource, enters into competition with private business, such as private power plants, and so forth, I consider that it is the duty of the Government to properly recompense the investors of such companies where they suffer loss due to Government competition.

#### PATRONAGE IS UNECONOMICAL, INEFFICIENT, AND TENDS TO CORRUPTION

In the establishment of the various alphabetical agencies of the New Deal I opposed the employment of such personnel through the patronage system. I voted every time to provide that such employees be taken from civil-service lists, because I knew such employees would be generally more competent, less subject to political corruption and intimidation from the bosses, and, in the aggregate, more economical, as the civil service pay classification standards do not provide the abnormally high salaries which so many incompetent political appointees are receiving in many of these alphabetical agencies.

I am opposed to the patronage system and introduced a constitutional amendment to provide that all Government employment be under civil service. Early in 1935 I also appeared before the Committee on Military Affairs urging that West Point and Annapolis appointments be strictly civil service. I have always advocated that postmasterships be taken entirely out of politics and that post-office employees be promoted to such positions, and have introduced legislation to that effect.

Patronage is rarely efficient in its disposition of employment; it is highly uneconomical and permits political bosses to dominate elections, directly or indirectly, thus frustrating good government based on the election of worthy Representatives.

#### A REPRESENTATIVE SHOULD HOLD PRINCIPLE ABOVE PARTY AND POSSIBLE PATRONAGE

As a Representative in Congress I feel that I owe every obligation to the people of my district, and even though I was told that I would receive patronage jobs if I voted for certain measures, I held the welfare of my constituents of more importance than the possible opportunity to recommend a few individuals for patronage jobs, and I refused to sacrifice my principles for such consideration.

I am only sorry that my limited time prevents going into detail on this subject. God help our country unless we elect to the next Congress men who will vote for the interest of their constituents, and who are not concerned with the will-o'-the-wisp of patronage, rather than Representatives who will vote for their own selfish interests, and who feel that they are successful as legislators if they are enabled to load their political friends, in lucrative Government positions, on the backs of the taxpayers.

#### THE UPTURN WE ARE WITNESSING IN BUSINESS IS NOT MATERIALLY AFFECTING OUR UNEMPLOYMENT PROBLEM

On my return to California in 1935 I predicted an upturn in business, which prediction is now an actuality. I feel satisfied that the payment of the bonus not later than July, plus continued Government expenditures, will result in further business improvements but if past experience is any criterion of what the future holds in store, I doubt whether any substantial reduction in unemployment will result.

#### WHO WILL PAY THE PIPER?

I was elected in 1932 on the platform of "lower taxes and jobs", and I regret to say that thus far the New Deal legislation has not brought about any substantial decrease in unemployment, except through the medium of approximately \$12,000,000,000 of Government expenditures, obtained through the issuance of tax-exempt securities. It should be borne in mind that no effort has been made to pay the principal of this increase in our national debt. We have increased Federal taxes to almost the breaking point, and I fear the result when an honest effort is eventually made to pay both principal and interest on our present inordinate debt burden. We enjoyed the music of public expenditures through the W. P. A., the P. W. A., the C. W. A., and other alphabetical agencies, but have made no effort whatever to pay the piper.

#### WORK RELIEF SHOULD BE IN THE HANDS OF THE PEOPLE THEMSELVES

I visualized the graft, the inefficiency, and the political chicanery which inevitably follow the expenditure of billions of dollars through a centralized control at Washington. I am in favor of the fullest measure of assistance to the unemployed, and proposed a measure which would have taken



relief out of the hands of the incompetent political bureaucrats and placed such relief more directly in the hands of the citizens themselves.

To date we have spent almost \$12,000,000,000 on relief, direct or indirect, which will be repaid by our children and our children's children to the tune of approximately \$24,000,000,000 or more through the issuance of high-interest-bearing, tax-exempt bonds.

#### A PROPOSAL WHICH I MADE FOR RELIEF

I proposed a measure to lend \$10,000,000,000 to the municipalities, counties, States, churches, schools, established businesses, home owners, and other definite entities at an interest rate of not to exceed 1 percent. Had this been done the responsibility for the expenditure of such loans would have been entirely in the hands of the borrowers, and the problem of unemployment would have been directly a State, county, municipal, or private affair, thus guaranteeing a more efficient expenditure of the funds and the absolute elimination of control on the part of politicians. Even though many of the States, political subdivisions, and other borrowers defaulted in such borrowings, nevertheless the expenditures would have been made at less overhead, there would have been a broader distribution of purchasing power for the unemployed, and the loss to the Nation, even though such defalcations were numerous, would not have been as great as that incurred under our P. W. A. "gift" system. Under the P. W. A., 45 percent of the cost of projects was an out-and-out gift from the Government. On this basis 45 percent of loans such as I proposed could have gone in default, and even at that the Government would not have suffered any greater loss than the taxpayers are now suffering through the grant of 45 percent of the cost of projects.

Under the method I proposed the more impoverished school districts, municipalities, and other subdivisions would have had equality in borrowing advantages, whereas under the P. W. A. loans were extended primarily to the more prosperous communities which, through bond issues or otherwise, could produce the necessary 55 percent of the cost of their projects. It may be well to note here that under the P. W. A. policy, where 45 percent was a governmental grant, the total interest paid by the borrower averages 2.2 percent. By comparison consider the 5 percent which the distressed home owner, who should be the first to be favored, must pay to the H. O. L. C. on his mortgage indebtedness.

#### I CANNOT CONDONE PROFITEERING ON DISTRESS

I am also opposed to the provisions of title 1 of the F. H. A., through which the citizen is forced to pay 9.72-percent interest on loans, which the Government guarantees, for the purpose of repair or modernization of his home. This high interest rate has proved prohibitive in many cases where advantage would otherwise have been taken of the opportunity afforded to make needed repairs, and thus it has operated to withhold employment from carpenters, plumbers, painters, and others in the building trades. The Government is lending funds at 2-percent interest for the development of electrical power on the farm, through which the utilities are profiting in the sale of power and light. I feel that the distressed home owner and farmer should be accorded equal consideration at least with large corporations and political subdivisions when it comes to the question of borrowing from the Government.

#### LET US FACE THE FACTS

I believe the people are entitled to facts, and that criticism in generalities is not only unfair to the person "under fire" but an affront to the intelligence of thinking people. Such criticism has been the ammunition of my political enemies, who have broadcast their accusation that I did not "follow the President throughout." Far from being fair criticism of my services as a representative of the people, however, I believe that this criticism, in the light of the actual facts, will be recognized as an unwitting acknowledgment of my conscientious representation and loyalty to those who sent me here. In reply to accusations in generalities I am proud to submit the following analysis or résumé of the major issues on which I did not "follow the President",

and I ask all who are sincerely interested to examine it and honestly answer the question:

#### HOW WOULD YOU HAVE STOOD ON THESE MAJOR ISSUES?

##### THE ECONOMY ACT

One of the first acts of the present administration was to present to the Congress for enactment the so-called economy measure. It was an administration "must" bill and the utmost pressure was used to break down any opposition to its enactment. I fought this measure throughout. In the name of economy it took pensions from our disabled veterans, threw them out of hospitals, and denied to them and to their dependents the protection which they had a right to expect from a just and appreciative Government. I foresaw that it would result in indescribable suffering and that, at the same time, it would greatly add to the burden of the taxpayers, who would be required to provide for our disabled veterans and their dependents ruthlessly thrown on "relief." I was severely censured for not "following the President" in support of this infamous measure. It was enacted by the "yes men" of the Congress by an overwhelming vote after only 20 minutes of debate, and was a law within 15 days after the President assumed office.

##### WHERE ARE MY ACCUSERS?

The tragic suffering which followed the enactment of the Economy Act, the discriminations and injustices with which it was honeycombed, brought forth a storm of protest from all over the Nation. Disabled veterans and their dependents were thrown on relief in such numbers that local agencies were unable to provide for them. Suicides followed in alarming numbers among our disabled veterans, and the ingratitude of a nation to its defenders, exemplified in the so-called Economy Act, became a national disgrace. Almost immediately after its enactment, administration efforts at correction began. Since the economy bill became a law the President has issued 12 Executive orders, with 29 amendments to these Executive orders, making a total of 41 Executive orders issued by the President as a result of the Economy Act. The Veterans' Administration has rendered 261 Administrator's decisions in reference to the act, and there have been revised, wholly or in part, 815 paragraphs of regulatory material used by the Veterans' Administration in carrying on its activities. In addition, a contrite Congress enacted 11 public acts in an effort to correct discriminations resulting from the Economy Act.

Thus, those who had most severely criticized me for my opposition to the President in this instance in effect acknowledged the justice of my position and absolutely vindicated me.

##### THE PAUPER WAGE SCALE

I opposed the President's pauper wage scale for our unemployed, ranging from \$19 to \$95 per month, and approximating \$55 monthly for our worthy unemployed in California. Such a wage scale, as low as \$19 monthly, in my opinion, was absolutely un-American and an injustice to our unfortunate unemployed. I supported a move in the Congress to provide for the payment of prevailing wages to the unemployed, but under administration pressure the pauper wage scale was enacted into law.

##### DO THE FACTS SUPPORT MY CRITICS?

Although the move to provide prevailing wages for our unfortunate unemployed was defeated, Mr. Hopkins, Works Relief Administrator, did give discretionary power in the matter to certain of his administrators, with the result that prevailing wages were actually paid to W. P. A. workers in certain sections. The bill providing \$1,500,000,000 additional work-relief funds, enacted in the present session, carried a provision for paying prevailing wages to all workers under W. P. A., and Mr. Hopkins himself appeared before the Senate committee, advocating the prevailing-wage scale in W. P. A. employment, thus reversing himself and expressing my point of view on this important issue.

##### MORTGAGE RELIEF

I voted against the first bill sponsored by the administration to provide mortgage relief to home owners, because I



recognized that until the principal of the bonds was guaranteed the measure provided for little more than a relief mirage.

#### WAS I RIGHT IN MY JUDGMENT?

In the next session of the Congress this act was amended to guarantee the principal of the bonds, as it had been demonstrated that it was practically valueless in its original form. I then supported it.

#### THE A. A. A.

I opposed the A. A. A. and its destruction of foodstuffs while our suffering millions faced starvation. I considered this measure unconstitutional and an indirect sales tax on foodstuffs which would bear most heavily on the unemployed.

#### THE FACTS SPEAK FOR THEMSELVES

Prices of certain foodstuffs skyrocketed under the artificial stimulus of the A. A. A. scarcity program. Belated reports from the A. A. A. revealed the fact that huge payments, amounting to \$1,000,000 or more, were paid to individuals or corporations for their mere failure to plant certain crops—an extravagant procedure paid for out of the taxpayers' funds. The Supreme Court declared the A. A. A. unconstitutional.

#### THE TOBACCO AND POTATO CONTROL ACTS

I opposed the Tobacco and Potato Control Acts in the face of administration pressure for their enactment. I recognized that they were unconstitutional and an indefensible attempt at regimentation of our individual farmers.

#### WERE THE "YES MEN" WHO ENACTED THESE BILLS RIGHT?

The potato-control bill was so ridiculous that even the Secretary of Agriculture declined to carry out its provisions, and both these bills were so flagrantly unconstitutional that the President himself recommended their repeal.

#### THE DEATH CLAUSE OF THE UTILITY BILL

I opposed the death clause of the utility bill, urged by the administration, because it was not only contrary to our Democratic platform declaration but I believed it to be unconstitutional, and in its enactment I foresaw the defeat of practical, constitutional, orderly methods of accomplishing the desired result—that is, the elimination of the nefarious practices of the big holding companies and the reduction of utility rates to the consumer.

#### THE PUBLIC IS THE GOAT

The Utility Act has already been declared unconstitutional by a court of appeals and action is pending in the Supreme Court. In the meantime orderly, constitutional, practical, regulatory legislation having been defeated by the enactment of legislation of dubious constitutionality, the big utility companies are still free to gouge the consumers and continue their monopolistic control.

#### THE GUFFEY COAL BILL

I opposed the Guffey coal bill, although the President himself urged its passage, regardless of doubts as to its constitutionality. I voted against it, even though it had some provisions in respect to labor of which I approved, because I believed it to be unconstitutional and a betrayal of labor's hope for sound legislation.

#### WHO IS BENEFITED BY THE ENACTMENT OF UNCONSTITUTIONAL LEGISLATION?

The Supreme Court of the United States declared the Guffey Coal Act unconstitutional and thus relegated this measure to the scrap heap.

MY PROPOSALS FOR RECOVERY INCLUDE MONETARY REFORM, NATIONALIZATION OR SOCIALIZATION OF BANKING, CONTROL OF MASS-PRODUCTION MACHINERY, AND SO FORTH

No one can deny that we have made some progress in the New Deal, but thus far we have acted somewhat like a cat toying with a mouse. We have kept the depression more or less under control by the issuance of billions of tax-exempt bonds—through which the money changers, who are still established in the temple, are the principal profiteers—but as yet we have failed to apply the knock-out which has been wholly within the power of the Democratic administration for the past 4 years. Like the cat playing with the mouse, we have struck at the depression with one paw, then an-

other, but it still persists, and, in my opinion, it will continue to persist as long as we permit the international bankers, through the medium of the Federal Reserve System, to coin money and extend credit with a fountain pen.

The first act of our administration was to rehabilitate the banking structure through the issuance of \$2,000,000,000 of fiat money, whereas if the President had applied the knock-out by taking over the ownership or the control of banks at that time, we would have long ago been on the road to permanent prosperity.

#### CONGRESS SHOULD ASSERT ITS RIGHTS UNDER THE CONSTITUTION

The Constitution provides that the Congress has the right to coin money and regulate the value thereof, but after 4 years we Democrats have failed to follow the precepts of the Constitution in this respect. We continue to pay high interest rates to the banker for Federal Reserve notes which the Bureau of Printing and Engraving grinds out voluminously and distributes to the banker at a cost of 30 cents per \$1,000.

#### THE GOLD REVALUATION ACT HAS PROVED TO BE A GIFT TO THE BRITISH

I supported the President in the matter of gold revaluation, not so much for the benefits that may accrue from this act but on a basis of the principle that gold and silver are not necessary in the conduct of business. I have repeatedly stated that the world could get along without either gold or silver and that a commodity dollar would insure a more stable purchasing power than the fluctuating value in gold and silver.

What have we accomplished under the Gold Revaluation Act? We made it possible for England, which produces at least 70 percent of the gold of the world, to buy from American manufacturers and agriculturalists at 60 cents on the dollar. In other words, we are giving the British 100 percent of American labor for every 60 cents worth of gold at the price of gold prior to its revaluation.

Aside from the standpoint of economics, from the standpoint of common sense, it seems, indeed, quite stupid that we as a nation should place a 40-percent premium on British gold which is produced by virtually coolie labor from virgin ore in the Transvaal, then import this gold to our country, giving in value \$1 worth of labor for each 60 cents worth of gold, and as soon as it is received here immediately transport it to Kentucky or Colorado, where we bury it in huge pits dug into the ground!

Assuming that we eventually get the entire gold of the world, of what utility will it be if it is buried deep in the ground from whence it came and if the nations with whom we wish to carry on business repudiate gold as a medium of exchange? This is hypothetical, but nevertheless is cited as a situation which could eventuate in our stupid quest for gold, gold, gold!

#### WHY NOT REVALUE SILVER ALSO IN OUR OWN INTEREST?

If we are to have revaluation of metals which we use as money, why revalue gold only, the most of which is in the hands of the international bankers and produced by the British? Why not revalue silver, of which the United States and the Americas produce 75 percent or more of the world's production, thus adding to our own basic virgin wealth, rather than to the value of the gold possessed by the international bankers and the British producers? Inasmuch as 80 percent of the people of the world have always used silver as their monetary standard, if we revalued silver as we did gold, the value of the silver produced by our own people would be increased, and at the same time the purchasing power of 80 percent of the world's population would be increased in like proportion. They would then be in a position to buy our products and our foreign trade would be reestablished.

The bankers, however, and the Congress of the United States seem to worship at the altar of gold, and until this fetish of gold worship is abolished there can be no assured economic recovery with any degree of permanency. Of what utility is gold that, as soon as it is received from the miner, passes quickly through international exchange to the deep pits of Kentucky or Colorado, unless we print circulating gold



certificates for each dollar in value so buried? This we have failed to do. We did, however, print gold certificates in value as high as \$100,000 each, which safely recline in the vaults of the private Federal Reserve System and circulate only among the money changers. In other words, we have taken the so-called wealth of the nations and, like the man whose story we read in the Bible, we have buried these talents. Here again I must point out that the bankers apparently control Congress, which will not approve of printing a gold certificate for every dollar of gold that is buried. The bankers and their representatives in Congress will not permit a sufficient amount of money to circulate to do the business of the United States.

The crux of the entire problem is this—the bankers control the volume of money in circulation. This should be directly under the control of Congress and not in the hands of the privately owned Federal Reserve System.

#### THE AMERICAN PEOPLE ARE BEING LED BY A FALSE MONETARY SYSTEM

In my speech of January 30, 1935, in favor of the Townsend old-age pension I cited figures to prove that the American people pay to the monied crowd each year on public and private debts at least \$12,000,000,000. Think of it—this huge amount in interest paid annually by American citizens to entrenched private wealth.

#### THE NATIONALIZATION AND EVENTUAL SOCIALIZATION OF BANKING IS THE FOUNDATION FOR REAL RECOVERY

In the nationalization, or Government control, of banking and the subsequent socialization, or Government ownership, of banking, interest profits would accrue to our Government, and if the interest rate were maintained at the present figure, the national revenue would be so great that taxes could be abolished.

Interest, regardless to whom paid, is a handicap to future progress. The rich man's son who inherits \$1,000,000 in tax-exempt bonds pays absolutely no tax and is assured of an income for the balance of his life without the exertion of an ounce of energy. On the other hand, other American young people who do not inherit unearned wealth are taxed for the balance of their lives to maintain the idle bondholder, who, in many instances, migrates to a foreign country and lives the "life of Riley", clipping coupons paid by the fruit of the labor of honest, hard-working American citizens.

#### MONEY SHOULD BE AVAILABLE TO THE CITIZEN AT COST

In the socialization of banking I would propose the gradual elimination of all interest so that the citizen, on a basis of proper collateral, could obtain money from the Government at cost. This can be more readily understood by a comparison with our present interest-payment plan. If the American citizens could be freed from paying the \$12,000,000,000 to \$13,000,000,000 which is exacted from them annually in interest, this huge amount of money would remain in their pockets, thus adding to their purchasing power.

It is self-evident to any economist that interest and taxes, brought to the oppressive stage as they are today, are bound to choke out the lifeblood of commerce until we arrive at ultimate stagnation. While under the Constitution all citizens are recognized as equal and as having certain inalienable rights, nevertheless the exaction of interest from one citizen by another is a form of bondage or slavery which should be removed entirely or, as I have just suggested, reduced to the mere cost entailed in making loans.

#### TAX-EXEMPT BONDS ARE AN UNWARRANTED BURDEN ON THE PEOPLE

The Democratic administration is wholly responsible for the continued issuance of tax-exempt bonds. No citizen of honesty and intelligence would have the temerity to assert that, if the question of tax-exempt bonds were submitted to the people, they would not be forever abolished. Therefore it will be necessary, in my opinion, for those who believe in truly representative government and the freedom of the American people from bondage, especially the youth of our land, to elect to Congress only individuals who are pledged to support a constitutional amendment forever outlawing tax-exempt securities and breaking, once and for all, the chains with which the money lenders have bound us.

At present 17 cents out of every dollar which the taxpayer pays for direct Federal tax goes to the banker and the other bondholders who own the Government debt. In addition we are called upon to pay an equal, if not a larger, amount to the bankers and bondholders for municipal, county, and State indebtedness. Just think of this huge loss to the American people, which is nothing other than a direct subsidy to entrenched wealth. I do not include in these figures the actual cost of the maintenance of government. The figures I submit show the degree of bondage to which we have descended. If we continue in this way it will not be long before the banker and bondholder will be taking the entire Federal taxes as interest. There is absolutely no reason, in my opinion, why the Government or any political subdivision should be forced to pay interest on its legitimate expenditures, guaranteed as these expenditures are by the wealth of the entire Nation.

#### THE PROFITS OF BANKING RIGHTFULLY BELONG TO THE PEOPLE

I am sorry my limited time prevents going into detail on monetary and banking reform. I may say here that it is my contention that no Representative can truly represent the people's interest if he acquiesces in our present banking system, and I believe that it is the duty of the electorate to remove from the halls of Congress those who believe in the divine right of the private banker to issue money and extend credit with a fountain pen.

#### THE COMMODITY DOLLAR IS OPPOSED BY THE SELFISH INTERESTS

The most of the farm groups of America are in favor of the commodity dollar which would give a stabilized purchasing power to the American citizen and prevent the losses which we have suffered and will continue to suffer as long as our monetary system is anchored to the golden ark of the international banker. Gold and silver have a fluctuating value and will continue to have a fluctuating value as long as the determination of such value remains in the hands of private bankers. This responsibility should rest entirely in the hands of the Congress, the body directly charged with the obligation of representing the interests of the people.

#### AN APPEAL TO AMERICAN YOUTH

Mr. Taussig, advisory chairman of the National Youth Administration, recently warned that 5,000,000 idle youth spells trouble. He is a "new dealer" with the intelligence to recognize that we owe a duty to the young men and women of our Nation. I am especially interested in our young men and women and have consistently fought in Congress for legislation in their behalf. Because in some instances I opposed the administration in the interest of our young people, the downtrodden, and the unemployed, my patronage was taken from me and I was given no consideration by the administration, but was told to "march in line." I will "march in line" for the youth of our country, for the unemployed, and the downtrodden, but I will not "march in line", sheeplike, behind any so-called leader. I consider that it is my responsibility as a representative of the people to know where I am going and to know that such destination will be in the people's interest.

I refer further to a statement credited to Harry L. Hopkins, Relief Administrator, to the effect that, even after we attain recovery, we will have 5,000,000 or more unemployed. I refer also to a statement made by Mme. Perkins, Secretary of Labor, who was recently quoted in the weekly labor paper, Labor, to the effect that if the country recovers to the 1926 level, the heyday of our prosperity, we will still have more than 6,500,000 able-bodied American unemployed. This is indeed a dismal picture to be painted for the American people by those to whom they have looked hopefully for national recovery.

I do not believe anyone, especially anyone in public life, elected or appointed, should criticize unless they have something to offer to correct what they criticize. Mr. Taussig, Mr. Hopkins, and Mme. Perkins apparently have no suggestion to offer to correct this distressing condition of unemployment which, they aver, will continue, even though we attain recovery. In my opinion, the thought of 6,500,000



able-bodied unemployed Americans is absolutely irreconcilable with any sane idea of national recovery.

Any of us may be included in the large numbers doomed to permanent unemployment under the Hopkins-Perkins theory. I am asking you, candidly, Are you satisfied with such an attitude of resignation and acceptance of widespread unemployment, with its accompanying suffering and unrest, as inevitable? I, for one, am not satisfied with such an attitude, and I will not accept the assertions of administration leaders that our unemployment distress is permanent and inevitable.

Mme. Perkins is quoted as saying:

The fly in the ointment, however, is the desire and the ability of industry to produce more with fewer workers and smaller pay rolls.

She offers no remedy but points the finger to what she believes to be the cause of the millions that will be unemployed, even after so-called recovery.

THE 30-HOUR-WEEK BILL AFFORDS A PRACTICAL MEANS OF CARRYING OUT THE PRESIDENT'S PROPOSAL

We have had before the Congress a bill known as the 30-hour-week bill, which could have been passed in the House of Representatives in 5 minutes if the President had approved it. I was on the floor on several occasions when the chairman of the Committee on Labor endeavored to obtain action on the 30-hour-week bill, but he was frustrated in his endeavors each time by parliamentary maneuvers of administration leaders in the House. The President is quoted recently as stating that the hours of labor should be reduced. The Black 30-hour-week bill offers a practical means to that end.

THE MACHINE WAS MADE FOR MAN—NOT MAN FOR THE MACHINE

I proposed to the Congress on numerous occasions a plan which would absolutely abolish unemployment if adopted in connection with Government control of money and credit. I refer to the control of mass-production machinery. Under the present system of government and economics the average citizen is a slave to the money power and a potential victim of the rapid inroads of the labor-saving machine.

No sensible individual would abolish modern labor-saving machinery; but, on the other hand, no sensible citizen should approve of the monopoly of mass-production machinery in the hands of the financiers or big business to the utter enslavement of the worker. The machine should serve man and not enslave him by throwing him out of employment and causing him and his family to become impoverished objects of charity, and, what is even more dangerous, making it necessary for the Government to vote billions of dollars (which they secure through the pernicious practice of issuing tax-exempt bonds) to provide for him a pauper wage of from \$19 to \$95 per month!

I repeat: The machine should be the servant of man and not his master. My limited time prevents going into detail on this subject, but as an example of the menace of the uncontrolled machine, consider the fact that statistics show that 13,000 individuals are employed today in the manufacture of business machines which, in the offices of our country, have displaced 1,000,000 white-collar workers whom the taxpayers are today subsisting. The cotton-picking machine, with which 2 men can do the work of 100 cotton pickers, is another striking example of human-labor displacement by the mass-production machine. Tugwell is quoted as proposing that the Government acquire control of this recently patented machine. It would be the height of folly for the Government to obtain the control of mass-production machinery and at the same time to permit the control of money to rest in the hands of the private banker.

THE ADMINISTRATION RECOGNIZES MY PROPOSAL FOR THE CONTROL OF MASS-PRODUCTION MACHINERY

According to the records, I was the first Member of Congress to speak on the displacement of human labor by the machine, and I advocated and introduced legislation to provide for a small appropriation to study this question with a view to determining the best means of procedure to restore employment to those thus unemployed.

I also submitted this question to the W. P. A. and am pleased to report to my constituents that \$12,000,000 was set aside by Mr. Hopkins, the W. P. A. Administrator, for a national survey of the displacement of human labor by mass-production machinery. This survey is now being conducted, and I feel confident that the results will be such as to confirm my views that much of our unemployment is due to the labor displacement of the machine and that a means of correction can be found whereby the machine can be made the servant, instead of the master, of our workers.

THE MACHINE HAS BECOME A FRANKENSTEIN THREATENING THE WELFARE OF OUR WORKERS

Not only has the mass-production machine created havoc among the American workers directly, but the greedy manufacturers of these machines have exported them to other nations, and as a result these foreign nations no longer buy the materials from us which they were compelled to purchase heretofore. We have given the foreigner our mass-production machinery, and, with low-paid labor and low standards of living, he is able to use it to manufacture materials for his own consumption and, in addition, a surplus, which he imports to our country and sells in cutthroat competition with our own domestic materials, thus reducing the market for American-made goods and adding to our unemployment in a dual manner.

I propose that the mass-production machine be made the servant of the entire people of our country through a system of taxation of the products of the machine or a limitation of the hours which such machine may be manipulated by one man, thus shortening the workday of the worker and providing more jobs. Moreover, I believe that wherever the foreigner is in a position to use our mass-production machinery to undersell the American producer in our own markets, our American producer should be protected by an adequate tariff to guarantee at least a job at a living wage to the American worker, plus a reasonable profit to the manufacturer and thus prevent the flooding of our markets with foreign goods produced by low-paid labor—in many instances child labor—whose standard of living does not approach our own.

I AM OPPOSED TO CHILD LABOR

I favor legislation which will prevent child labor in our country, but I am not in favor of turning the control of the child over to any Federal bureaucrats, except under strict and definite limitations as to employment.

MY VOTE HAS BEEN CONSISTENTLY IN LABOR'S INTERESTS

I supported the Labor Relations Act and have consistently voted in the interest of labor. I believe in the fullest measure of cooperation between labor and capital, as both are necessary in our present capitalistic set-up.

RAILROAD RETIREMENT ACT

It was a pleasure to me to support the Railroad Retirement Act, which I believe to be constitutional, inasmuch as it pertains to individuals employed in interstate business. An amended bill on this subject is now pending in the courts to determine its constitutionality.

A SQUARE DEAL TO CAPITAL AND LABOR

I am not in favor of destroying wealth but advocate the creation of wealth within limitations. Inasmuch as capital would not exist and could not be maintained except through labor, I feel that labor is entitled to a saving wage and the fullest measure of protection against arbitrary action on the part of the employer. At the same time I feel that the employer is entitled to protection, within the law, from acts of lawlessness and intimidation on the part of any groups.

WE SHOULD HAVE A SENSIBLE REDISTRIBUTION OF WEALTH

I am in favor of reducing or entirely eliminating the consumption taxes which fall most heavily upon the poor man, and I would substitute therefor a graduated and progressive increase within the income-tax brackets, beginning with incomes of \$5,000 or more. It seems stupid, indeed, to permit incomes of \$1,000,000 or more per annum to one individual while millions of our citizens are unemployed through no



fault of their own—in fact, the most of them are unemployed because of the monopoly in banking, credit, and in mass-production machinery which individuals in the larger income brackets control.

**CONGRESS IS RESPONSIBLE FOR NATIONAL PEACE AND SHOULD ACCEPT ITS RESPONSIBILITY**

It was a pleasure indeed to me to support neutrality legislation, but I believe that the legislation enacted could and should have been strengthened. I believe in neutrality laws which will be fair to all nations and which will be predicated upon direct, specific instructions of the Congress, and I do not approve of vesting the authority for administering neutrality legislation in the hands of any individual. Congress, which under the Constitution is authorized to declare war and make peace, should likewise retain to itself the right to legislate specifically on the issue of neutrality.

**WAR PROFITS ARE DISTRESS PROFITS AND SHOULD BE OUTLAWED**

I supported legislation in the interest of eliminating the profits of war, and I am in accord with the recommendations of the Munitions Committee that those engaged in the munition or other industries which derive their principal profits from war should be taxed to the utmost. If the soldier can be forced to give his life in time of war at \$30 per month compensation, I feel that the warmongers should at least make material sacrifices during such emergencies.

**THE PEOPLE HAVE A RIGHT TO DECIDE WHETHER THEY WILL ENGAGE IN COMBAT ON FOREIGN SOIL**

I supported the constitutional amendment proposing a referendum before our Nation would engage in war on foreign soil, and I am heartily in accord with any proposal which will give the American people the right to determine for themselves whether they desire to engage in conflict outside of the confines of our own country. Certainly no one can legitimately object to the American people arising en masse to protect themselves from threatened invasion.

**WE MUST HAVE OUR DOMESTIC HOUSE IN ORDER**

I favor a policy of peace. I am, however, more concerned at the present time in economic and social peace in America, the fullest measure of security to the aged, and every encouragement and assistance to youth than I am in the threatening aspects of foreign horizons, for I believe that economic and social harmony at home is a prerequisite to amicable international relations and a safeguard against entangling alliances, which are costly, indeed, if one may judge from the tax burdens we now carry due to the World War.

As I have said, I am in favor of world peace, and in the furtherance of this objective I advocate the fullest measure of disarmament and Government ownership or control of munition plants through the taxing process.

**THE SECURITY-CONTROL BILL SHOULD BE AMENDED TO PROTECT THE PUBLIC ALSO FROM THOSE WHO GAMBLE IN THE NECESSITIES OF LIFE**

I voted for the President's security-control bill, which is an honest endeavor to protect the American investor from wild-cat promoters and stock manipulators. This act, however, should be amended to provide a tax adequate to protect the American public from those who gamble in the necessities of life and thus increase the cost of living to the consumer. As it is today, the stock-market manipulator and the middleman make a much greater profit on agricultural supplies than does the original producer.

**POSTAL SAVINGS BANKS**

In each session I have introduced and advocated legislation to expand the facilities of the United States postal savings in the interest of the people, to free them from the dictation of the international bankers. H. R. 3030, which I introduced in the last session, and on which I was granted a hearing by the committee, failed of enactment because there are too many servants of the bankers in the halls of Congress.

**PRODUCTION FOR USE**

My opponents who criticize me for not following the President and who are advocating production for use must know that, thus far, the President has opposed this proposal. Even the W. P. A. would not grant funds which were requested by California for this experimental purpose. I can-

not understand the logic of my opponents who publicly announce they will "follow the President" 100 percent and who, at the same time, advocate production for use, which the President opposes. Would they, if elected, "follow the President" and continue the wasteful spending under the C. W. A. or the W. P. A., or would they actually insist upon production for use which they advocate now so vociferously?

I have proposed that the Congress assert its constitutional prerogative to coin money and regulate the value thereof, and to extend credit to the citizen, on the basis of proper collateral, at the lowest possible rate of interest—or at cost. If the Congress would permit a sufficient amount of money to remain in circulation, the problems of production and distribution could be more adequately controlled by the expansion or contraction of the volume of purchasing power in circulation, and the necessary revenues for government could be obtained by a progressive income tax which would have for its objective the reduction of the incomes of those in the higher brackets (beyond a certain predetermined maximum) in order to keep the Budget in balance. At the same time, progressive income-tax rates would provide funds for the employment of employable citizens at a good living wage, which should equal the prevailing wage rate in similar occupations in private industry. Until we go to the root of the problem and establish our monetary system on a sound basis of justice to the people themselves, we are merely compromising with injustice in our attempts at reform, perpetuating, through "relief" measures, a system which is in itself a denial of the inherent rights of the people whom we seek to save.

**CIVIL LIBERTIES**

The CONGRESSIONAL RECORD will show that I opposed legislation of a repressive character, including the so-called peacetime sedition and military disaffection bills, which are directed at free speech, a free press, and free assembly. I am opposed to the monopoly of the radio, and will oppose any monopolies which are in violation of the constitutional guaranties of free speech, a free press, and free assembly, vouchsafed to us in the Constitution. Unless the people are free to express themselves on any issue, such issues cannot be properly met, and the result will be the type of dictatorship which we see in European countries where parliaments have been abolished, where the press is subservient to the ruler, and where elections are a mockery. If I am to err, I would rather err on the side of a bit too unbridled freedom of speech than on the side of repression and restriction.

We should all feel proud of the progress our country has made from its birth, and we can maintain this advantage and make further progress as we honestly and sincerely discuss our problems and work for their solution through the exercise of the ballot rather than through any form of lawlessness or violence.

**EQUAL RIGHTS TO ALL**

I favor the enactment of the Ludlow amendment to the Constitution providing equal rights to all citizens, regardless of sex. To this amendment I would like to add specific provision for equality to all citizens, regardless of color or creed.

**THE PEOPLE ALONE HAVE THE RIGHT TO AMEND THE CONSTITUTION**

In taking the oath of office I swore to uphold the Constitution of the United States, and I am inclined to believe that if the Congress lived up to that provision of the Constitution regarding the issuance of money and the determination of the value thereof, there would be no reason for constitutional meddling. I am, however, not averse to amendment of the Constitution, as the Constitution is not greater than the people; but I do say without equivocation that the Constitution is greater than the President or the Congress. If the President or the Congress objects to the limitations of the Constitution and the decisions of the Supreme Court based thereon, it seems only honorable that they should propose liberalizing amendments to the Constitution and let the people decide the issue. I am not in favor of chiseling or whittling at our Constitution through the means of legislation of dubious constitutionality—or admitted unconstitutionality. We should have every faith and



confidence in the people, and if, in the opinion of Congress, there are constitutional limitations which prevent national recovery, the question of constitutional amendment to remove the alleged obstruction to progress should be submitted to the people in order that we may have what Lincoln stressed in his Gettysburg address—"government of the people, by the people, and for the people"—instead of a government by a subservient Congress which sells its birthright for a mess of patronage.

EVERY AMERICAN CITIZEN HAS A RIGHT TO A JOB AND TO SECURITY IN HIS OLD AGE

The principles which I have enunciated here, in my opinion, would bring our country from the present slough of depression in which it has become engulfed and would end our unemployment problem. In a country as vast as ours and as rich in natural resources there is no reason why any worthy citizen who desires employment should not have the opportunity to earn an honest living. He should be protected in this right during his working days, and when he is no longer able to work the wealth which he has created in the years of his productivity should be the basis of guaranteeing to him ample security in his old age, free from the specter of want, and the old-age pension granted to him should carry with it no implication that the annuitant is a pauper.

These proposals of mine are not impractical dreams. They are easy of attainment, provided the citizens of our country will elect independent individuals to Congress who pledge themselves to vote in the interest of the people rather than in the furtherance of any selfish interest. The issue is up to the people themselves; and I have every confidence in their ability to discern their own interest and to act accordingly. We must move forward to a better day when taxes will be reduced to a minimum and there will be jobs and security for all!

#### MY DECLARATION OF ALLEGIANCE

Critical as my remarks may seem of many aspects of our Democratic administration, they are prompted by my loyalty to our Jeffersonian party principles and my earnest hope that our party will prove itself, in actual demonstration, the real friend of the countless millions who look hopefully to it for relief from their distress. Democracy, as I understand it—and as I try to live it—means the people's voice in their own government through their duly elected representatives, and I believe that the chosen representatives of the people have a distinct obligation to them to reflect their views and to work for their welfare through legislation. These principles I have faithfully followed in the past and shall continue to follow as long as I am in public office.

I appeal to the voters of my district to judge me on my record of performance as their Congressman and compare my record with the vague promises of my rubber-stamp opponents.

#### STATEMENT OF PRINCIPLES

I pledge myself to support the President 100 percent on the provisions of our Democratic platform. Proposals which he submits which are not incorporated in our platform will receive my honest, sincere analysis, and if I consider them constitutional, for the best interests of the people, and predicated upon a square deal to labor and capital, I will gladly support them.

I fought with the liberals and progressives in Congress for substantial recovery legislation and have been persecuted because of my activities in behalf of the common people. If reelected I will continue my efforts to bring about, as expeditiously as possible, the fullest measure of relief to our people, and I will support such legislation as will insure jobs at good wages to our citizens and a square deal to all.

#### NATIONAL SAFETY AND ACCIDENT PREVENTION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill H. R. 11108 and to include therein a short letter from Mr. Sullivan, of Boston, regarding national safety. The letter is very short.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am delighted that the bill bearing my name, H. R. 11108, calling for an appropriation of \$50,000 to advance a program of national safety and accident prevention passed the House of Representatives today.

For many, many months I have been deeply interested in the accident situation in this country, particularly from the standpoint of highway safety. In this Congress I introduced another measure authorizing the Secretary of Agriculture to investigate and report on traffic conditions, with recommendations for corrective legislation. I hope that this bill will pass also.

The general public in the United States is becoming more and more accident conscious. Accidents, their causes, and possible remedies, have become a topic of general and serious conversation on every hand. The newspapers, radio systems, motion-picture groups, local and national organizations, all have come to show great interest in the movement.

The bill which passed today provides an appropriation of \$50,000 to meet current expenses, mostly of a clerical nature, of the Accident Prevention Conference, a group of patriotic citizens who are volunteering their time in behalf of accident prevention. This group was formed as a result of the conference called together by the President to consider ways and means of making life safer on land and sea and in the air. The conference was headed by the Honorable Daniel C. Roper, the Secretary of Commerce.

It was not the sense of the conference to attempt to set up another large Government department to combat the accident problem. Committees of patriotic men and women were formed as a clearing house for accident-prevention ideas. Their time was given without remuneration, and committees were formed to study each phase of accident. These committees and subcommittees are even now carrying on the work, but they have been handicapped because of lack of funds for clerical help, printing, and so forth.

The conference agreed that it should not seek to displace any of the activities of existing safety bodies but rather augment and encourage their activities. Among the national groups which have pledged their help are included the Automobile Manufacturers' Association, the American Automobile Association, the United States Junior Chamber of Commerce, the American Red Cross, the National Association of Credit Men, the American Legion, the National Highway Users' Conference, the National Safety Council, the National Education Association, the Boy Scouts of America, the Girl Scouts, Inc., the National Organization of Mutual Insurance Companies, and other organizations of national prominence.

The committees are seeking to meet immediate problems with educational material. Accident-prevention methods which have been used successfully are being emphasized, rather than to resort to prolonged research and thus delay much-needed results.

Safety studies are being introduced in the schools of the country on a broad scale, and the importance of safety as a part of the curriculum of all schools is being emphasized. In some parts of the country wonderful progress has been made in schools teaching safety. The young mind has proved to be more receptive to safety teaching than the adult, and I hope that the efforts of the conference to have safety education, dealing with all types of accidents on land and sea and in the air, included in all schools will meet with success.

The high point in the conference program which appeals to me is that of attempting to obtain uniform vehicle regulations throughout the United States. During the past year or more I have spoken many times, both on the floor of the House and over the radio, of the serious importance of such uniformity. While the official figures of traffic fatalities for the year 1935 are not yet available, it is estimated that



36,400 persons lost their lives last year as a direct result of traffic accidents. That terrible loss of life must be reduced. The work of the conference special committee on uniform traffic regulations will help to do so. It is headed by my able colleague, the Honorable EMMET O'NEAL, of Kentucky. He is intensely interested in the subject, and his choice as chairman of the committee is most fortunate.

To show the widespread interest in the movement, I am inserting just one of the many letters which I have received from all over the country. It is written by the supervisor of health education in the Boston public schools:

BOSTON PUBLIC SCHOOLS,  
CHAIRMAN OF SCHOOL COMMITTEE,  
Boston, May 18, 1936.

The Honorable EDITH NOURSE ROGERS,  
The House of Representatives, Washington, D. C.

MY DEAR MRS. ROGERS: I am greatly interested in your sponsorship of the \$50,000 antiaccident project to be conducted by the Secretary of Commerce.

You are to be complimented in assuming the leadership in promoting the modern safety movement. As a firm advocate of such a meritorious national movement I am writing you to volunteer my services, which are based on 10 years of safety supervisory experience in the Boston public schools, the first large school system to incorporate safety into its regular school program.

We have seen the Boston program grow in importance and effectiveness through the years. Attention is drawn to the fact that fatal motor-vehicle accidents among Boston children decreased from 59 in 1924 to 22 in 1935. For the past 4 years Boston has continued to have the best record among cities of its size in number of motor-vehicle fatalities for school children.

As a leader of safety education in Massachusetts, I would feel it a real honor to serve on a committee designed to coordinate the safety movement on a national scale. For your information I am enclosing my recent leaflet on safety education.

Very truly yours,

JOHN P. SULLIVAN,  
Supervisor of Health Education.

#### THE MACE

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an article written about the mace. I may say I had this inserted in the RECORD about 8 years ago and had copies printed and given to the Sergeant at Arms to send out in answer to the many requests he received. The supply has been exhausted and I am asking to have the article reprinted.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOYLAN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article which was written about the mace of the House a number of years ago by Mr. Will P. Kennedy:

The mace has been the symbol of authority in the House for nearly a century and a half (since 1789). The mace now in use, a beautiful silver-and-ebony weapon, which has an official position at the right of the Speaker's desk whenever the House is in session, has been in office 95 years—having first been installed in 1841. It is the duty of the Sergeant at Arms to preserve order on the floor, and the mace is his official symbol of authority and weapon of enforcement.

When the House is called to order each day an Assistant Sergeant at Arms places the mace on a cylindrical pedestal of polished green marble at the right of the Speaker's desk. When the House adjourns he removes it to the office of the Sergeant at Arms for safekeeping until the House meets again.

Never once in the history of the Republic has the mace failed. Usually when a Member becomes unruly contentious, he can be calmed simply by the Sergeant at Arms touching him on the shoulder or standing beside his chair—without the mace. In the memory of veterans at the Capitol, dating back 50 to 60 years, the mace has been called out not more than a dozen times.

#### REPRESENTS AUTHORITY

The mace is of very ancient and honorable origin. In the old Roman Republic the magistrates, proceeding on foot from one place to another, set up their little court where they administered justice, tried public offenders, and imposed penalties and punishments. Each of these magistrates was attended by a small body of men, known as lictors, whose duty it was to make way for the officers of the law, preserve order, make arrests, and inflict punishment on condemned citizens. Each of these lictors carried with him a bunch of rods fastened together with thongs and having an ax bound to the outside. These rods were used for scourging, and the ax for beheading.

The mace in the House of Representatives is made in facsimile of the bundle of rods carried by the lictors. These bundles of rods

were known as fasces and came to be recognized as symbols of authority which every citizen had to respect. As the magistrates proceeded along the thoroughfares, the lictors, bearing the fasces, preceded them while the citizens made way. When there was any disorder the fasces were brought forward, and quiet and peace were restored. So it is today in the House where the mace as a symbol of authority demands and is accorded instant recognition by the most belligerent Members.

The Romans when they conquered Britain brought with them the fasces as an emblem of authority, which, like many other Roman customs, remained with the British people and subsequently introduced into American institutions. While no longer used for inflicting punishment, the fasces continued as a symbol of the early English magistrates.

The great councils of the early Saxons developed into one general body, which in the fourteenth century became known as the House of Commons, and the fasces, which preserved order in the earlier councils, then became known as the mace, which has since remained as the emblem of legislative authority.

Some 300 years ago Oliver Cromwell perpetrated the most flagrant and audacious affront to legislative authority when in the House of Commons he pointed to the golden mace, shouting: "Take away that bauble." Cromwell has gone, but that beautiful solid silver-gilt mace still preserves authority in the House of Commons, although there was another brazen challenge on July 18, 1930, when one John Beckett, a frenzied Labor member, during bitter debate over India, seized the mace from the Speaker's table, hoisted it over his shoulder and started to march out of the chamber, yelling, "It's a damned disgrace."

This mace of the House of Commons is 4 feet 10½ inches long. The shaft is carved with roses, thistles, fleurs-de-lis, laurel, and harps. A royal crown, the globe, a cross, the royal arms, and, of course, the lion and unicorn are all included in the design of the head. The shaft was made by Thomas Maundy in 1649. The original head was replaced 11 years later with the regal symbols of the Restoration.

#### PRESENT MACE MADE IN 1842

As the House of Representatives of the United States was modeled closely after the House of Commons by the framers of our Constitution, the use of the mace was borrowed from this English custom, which harked back to the ancient Roman Republic.

The first mace adopted by the House was destroyed by fire when the British burned the Capitol in 1814. From that date until 1842 a mace of painted wood did service, but in 1842 the present mace was made in reproduction of the original mace. It is a little over 3 feet in height and consists of a bundle of ebony rods, representing the States of the Union, bound together with a band of silver in imitation of the thongs which bound the fasces. From the center of this bundle of rods protrudes a silver stem on which is a silver globe nearly 5 inches in diameter. This globe is surmounted by an eagle of solid silver with outspread wings.

Whenever, as seldom happens, the House or an individual Member becomes turbulent and seems beyond the Speaker's control, the Sergeant at Arms lifts the mace from its pedestal and walks up and down the aisles of the hall. Order is promptly restored and absolute silence prevails, so great is the respect for the mace as a symbol of legislative authority. Thus the Members of the House, who are themselves lawmakers, very properly set an example for the whole country of respect for law and authority.

In 1880 the Speaker undertook to quell an incipient fight between two Representatives, William A. J. Sparks, of Illinois, and J. B. Weaver, of Iowa, when they used such menacing words and threatening actions toward each other that many Members arose to separate them. Whereupon the Sergeant at Arms moved about the House with his mace of office and order was restored. Never in its existence has the House of Representatives allowed abusive and nipping words or belligerent actions to go unrebuked.

Another blustery scene was on February 17, 1885, when John D. White, of Kentucky, while speaking from the floor of the House, was called to order by the Speaker and told to sit down. Mr. White disregarded the order and kept on talking. The Speaker then directed the Sergeant to see that the order was obeyed. The officer first approached Mr. White without the mace. He took hold of the indignant Member's arm, but he still refused to take his seat. The Sergeant then brought out the mace. Mr. White immediately took his seat. Mr. White claimed that he had been arrested without due cause, but the Speaker said he had disregarded the Chair and brought this extreme penalty upon himself.

Section 2 of rule IV provides that the mace is the symbol of the office of Sergeant at Arms, and is borne by that officer while enforcing order on the floor. This rule dates from 1789. It was originally proposed, following the parliamentary usage, that the mace should be placed on the Clerk's table during the sitting of the House and under it when the House should be in committee, but the House recommitted the proposition, and it was not carried. The mace, during the sessions of the House, is kept in an upright position on a marble pedestal at the right of the Speaker's chair. It is not taken down during a recess, but it is taken down, however, when the House resolves into Committee of the Whole, and is replaced in position when the Speaker resumes the chair.

Among historic solid-silver maces of the eighteenth century are some fragments of the mace of 1753 of the Virginia House of Burgesses, which are now preserved at Norfolk as relics, and the mace of the House of Representatives of South Carolina which was



made in London in 1756 for 90 guineas. This solid-silver gold-burnished antique is said to be the only mace now in use in the United States which antedates the Revolution. On it are engraved the royal arms of Great Britain, the arms of the House of Hanover, and other ancient insignia, along with the arms of the Province of South Carolina.

The South Carolina mace was stolen during the Revolution by British sympathizers and offered for sale to the House of Assembly of the Bahama Islands. The proposed transaction is shrouded in mystery, and legends have grown up about both the Nassau and the South Carolina maces. Some people still believe that the Nassau mace is really the old South Carolina mace, but this is not true, for it has been ascertained that the former was made in 1799—43 years after the Carolina mace was made—and the latter was found and brought back to the South Carolina Legislature. Historians now claim that this mace has not been outside the United States since it was brought to this country from London.

The South Carolina mace has also inherited some of the "Cromwell bauble" legends, and for a long time some people have claimed that it was the original "Cromwell bauble", but the present golden mace of the House of Commons, so recently desecrated by Mr. Beckett, is really the mace to which Cromwell referred.

#### ORIGINALLY WEAPON OF OFFENSE

The mace was originally a weapon of offense made of iron or steel capable of breaking through very strong armor. The mace was carried in battle by medieval bishops (Odo of Bayeux is represented on the Bayeux tapestry as wielding one) instead of the sword, so as to conform to the canonical rule which forbade priests to shed blood.

As a weapon of war the mace was used in Europe, chiefly among the cavalry, as late as the sixteenth century, and is still used among savage tribes. It consists merely of a staff about 5 feet long, with a knob at the end made of iron or some other heavy substance. The knob was sometimes covered with spikes.

The earliest ceremonial maces, as they afterward became, though at first intended to protect the king's person, were those borne by the sergeants at arms, a royal bodyguard established in France by Philip II and in England probably by Richard I. By the fourteenth century a tendency toward a more decorative sergeant's mace, encased with precious metals, is noticeable. The history of the civic mace (carried by the sergeants at mace) begins about the middle of the thirteenth century, though no examples of that period are in existence today.

There are two maces in the House of Lords, the earliest dating from the reign of William III. There are eight large and massive silver-gilt maces of the sergeant at arms kept in the jewel house at the tower of London.

The remarkable mace or scepter of the lord mayor of London is of crystal and gold set with pearls. The head dates from the fifteenth century, while the mounts of the shaft are early medieval. A mace of an unusual form is that of the Tower ward of London which has a head resembling the White Tower in the Tower of London and which was made in the reign of Charles II. The beautiful mace of the Cork Gilds, made by Robert Goble, of Cork, in 1696 for the associated gilds, of which he had been master, is in the Victoria and Albert Museum, where there is also a large silver mace of the middle of the eighteenth century, with the arms of Pope Benedict XIV, which is said to have been used at the coronation of Napoleon as King of Italy at Milan in 1805.

#### GREAT HOUSING CAMPAIGN WOULD PUT CRIMP IN DEPRESSION— WAGNER-ELLENBOGEN BILL IS O. K.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

#### DEPRESSION PARTLY TRACED TO LAG IN BUILDING

Mr. MAVERICK. Mr. Speaker, one of the most important bills in Congress is the Wagner-Ellenbogen housing bill, and in its general form I favor it. We should do everything that might assist in reviving the building trades and industry, which is 85 percent off. This applies to slum clearance, small houses in cities, farm homes—in fact, building of all kinds. Much of the lag of business and employment today can be traced directly to the lack of building, as it concerns every other trade or occupation.

Hence, I have been interested in housing ever since I have been in Congress and have favored the H. O. L. C. and the F. H. A. and similar measures, but they are by no means enough. There is no use in talking about how many millions are living in houses below a decent standard—the probabilities are that one-third of the dwellings in America are of such class.

#### CONGRESS SHOULD ADOPT HOUSING BILL

On January 15, 1936, I introduced House Resolution 395, which provides for a thorough investigation of the question of housing and conservation in the United States. This

resolution would authorize this investigation to be done by Congressmen themselves, and would include the power of Congressmen going to Europe to make a studious investigation of the problem. Many of us fear criticism for taking "junketing trips."

As far as I am concerned, I make no bones about the fact I would like to be on the Housing Committee and go to England and see their really successful campaign, and also to the Scandinavian countries. This might be a "trip to Europe", but if valuable information is obtained it would be of incalculable worth to the American people.

I consider it perfectly disgraceful that of the civilized countries the United States appears to lag behind all the rest of them in building. England has done much to break her depression with a building campaign and we should do the same. I believe that a revival of the building trades would increase employment by two or three million men.

#### REVIVE BUSINESS—PUT PEOPLE TO WORK

Mr. Speaker, we should pass the Wagner-Ellenbogen housing bill this session of Congress, as well as other housing bills. This will provide the necessary decent standard of housing, revive business, and put people to work.

#### LYNCHING, THE BLACKEST CRIME IN AMERICA TODAY

Mr. MITCHELL of Illinois. Mr. Speaker, I ask unanimous consent to place in the RECORD a speech I made in Ohio a few days ago on the subject of lynching and to include therein a telegram I sent to the Governor of Georgia.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MITCHELL of Illinois. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech made by me in Ohio a few days ago on the subject of lynching and also a telegram sent by me to the Governor of Georgia:

[Telegram]

MAY 5, 1936.

Gov. EUGENE TALMADGE,  
Executive Mansion, Atlanta, Ga.

DEAR GOVERNOR: Because of the prevalence of the mob spirit in the State of Georgia at least three Negroes in your State have been the victims of these mobs and have had their lives snuffed out during the past 60 days. So far as I have been able to learn you have uttered no word of condemnation of these mobs. Do you not think that these colored people are entitled to the protection of the law and that as Governor of the State you should at least condemn the atrocities of the bloody mobs that are spreading so much fear and havoc in the minds and souls of law-abiding colored people? Law-abiding citizens throughout our country are wondering what part the Georgia Woman's World has played in fanning the flames of race hatred into such a conflagration. Do you condone that?

ARTHUR W. MITCHELL,  
Congressman, First Illinois District.

My friends, I was delighted when I received the invitation from the Grover Cleveland Democratic Club, through Mr. Benjamin Fisher, to deliver an address in Toledo on the subject of lynching. Although this is without doubt the blackest crime in American history today, it is the one crime for which the perpetrators have gone practically unpunished. Authentic records show that during the past 45 years more than 5,000 human lives have been snuffed out by bloodthirsty mobs in this country. I have no statistics before me which will show the number of lynchings who have been taken before the bar of justice and punished, but I venture to say that not one out of a thousand has been called upon to answer to the law of the country for this atrocious crime.

While more than 5,000 victims of the mob have cried out for justice, it is reasonable to surmise that at least 200,000 (murderers) lynchings have been permitted to go unpunished because there has not been sufficient sentiment in the States to bring lynchings into court. Thousands of them are free members of society today.

Negroes have been the greatest sufferers from the commission of this crime; I think fully nine-tenths of the victims of the mobs have been colored men and women. Because of the failure of the States to punish lynchings, well-meaning colored men and women, together with a large group of white citizens, began an agitation a quarter of a century ago for the passage of a Federal anti-lynching law.

Fourteen years ago Congressman Dyer, the Representative of the Eleventh District of the State of Missouri, introduced an anti-lynching bill, which was sponsored by many of the leading citizens of the country, and was passed by the House of Representatives, but defeated in the United States Senate. Since 1930 about



two score antilynching bills have been introduced either in the House or in the Senate. There is today before the Judiciary Committee of the House, 30 antilynching bills. One of these bills is known as the Mitchell antilynching bill (H. R. 4457) introduced by me within 3 weeks after I took oath of office. While there is considerable sentiment among the Members of the House in favor of passing an antilynching bill, there is very stiff opposition from certain sources, men who say they are not in favor of lynching and would like very much to see the crime blotted out. They object to the passage of the law on two grounds: One, its alleged unconstitutionality, and two, its infringement upon the rights of States. For my part I am unqualifiedly in favor of the passage of a Federal antilynching bill. I have discussed the matter with the President of the United States, and while I am not authorized to speak for him, he expressed strong approval of the passage of an antilynching bill. You will recall that in 1933, immediately after the horrible lynching in California, when Governor Rolph of that State gave his endorsement to lynching, the President of the United States spoke out against this crime, and characterized it as collective murder.

I should like to say here what I have said on many occasions: I am not one of those who believes that the crime can wholly be solved by the passage of an antilynching bill, and I do not wish to be misunderstood in this matter. I have introduced a Federal antilynching bill, and I shall work for its passage, and shall do all in my power to secure sufficient votes to pass the bill in the House, and shall use whatever influence I have with Members of the United States Senate to pass the bill in the Senate; but I am not unconscious of the fact that there is work to be done aside from the passage of the bill. I believe, as I have expressed many times before, that the real solution of this crime will be found in education, Christian training, and the promotion of civic righteousness throughout the various States and communities.

I should like to remind you that the supporters of temperance in this country thought that the enactment of the eighteenth amendment into our basic law would solve the aggravating question of intemperance; you know how miserably this failed. The mistake, as I see it in that connection, was this, the temperance workers of the country worked night and day to pass the eighteenth amendment, believing that once it passed temperance would be a reality. The result is that immediately after the passage of the eighteenth amendment temperance societies ceased to operate and intemperance in the face of, and in violation of, the eighteenth amendment swept the country and invaded homes by the thousands that before the passage of the eighteenth amendment were regarded as being citadels of temperance.

It is my hope that after we pass the antilynching bill, as I believe we shall surely do, that the inter-racial commission, the churches, the schools, and the societies and organizations, which have played such a large part in making sentiment against lynching, should not cease in their activities. There must be sentiment back of the law in order to get the results for which we are hoping and praying.

I have received many inquiries from people recently who ask me this question: "Why do certain officials of the National Association for the Advancement of Colored People try to impress the country that you are not strong for the passage of this legislation?" I think there is no better place to answer this inquiry than has come to me from many sources than here in Toledo. To begin with, I wish to say that my record in Congress and out of Congress, covering a period of 30 years, much of which time was spent in the South, shows that I have always spoken out in strong terms against the mob and against lynching. To be honest, I think the difference between these men, who have sought to impress the country otherwise, and myself, is due to the fact that when I came to Congress I introduced my own antilynching bill, which I regarded, and still regard, as being the best bill before the Judiciary Committee in the House. Other than this, I know no reason why these wild and false rumors should be spread by anyone.

Since I have been in Congress, I have made many speeches in the South, and I have made speeches on the floor of the House, and on every occasion I have spoken in strong terms in denunciation of lynching and the mob. No one has been more outspoken on the floor of the House or elsewhere against this crime, but there has been a difference between myself and others as to the best method to proceed in order to pass an antilynching bill. There is nothing strange or unnatural about this. In this connection I should like to read you a letter which Mr. Walter White wrote me March 14, and my answer to this letter:

"MY DEAR CONGRESSMAN MITCHELL: I am glad to have had that long talk with you in your office yesterday, even though we obviously do not agree on certain matters.

"After leaving you I talked with a good many people in position to know the attitude of Senator JAMES F. BYRNES, of South Carolina. I sought this information in the light of your statement to me that the N. A. A. C. P., and other supporters of Federal antilynching legislation, should not proceed with securing of the signatures to the petition to the leaders of the Democratic caucus asking for a special rule to bring the 15 identical Democratic bills in the House of Representatives directly to the floor of the House of Representatives for a vote, but instead, should try to bring pressure from white women in South Carolina upon Senator BYRNES to persuade him to change his attitude on the Van Nuys resolution.

"The persons with whom I have talked who are close to Senator BYRNES are unanimous in feeling that while pressure upon Senator BYRNES, who not only is opposed to the Van Nuys resolution,

but refuses even to call a meeting of the Audit and Control Committee to consider it, may be helpful, it is not likely to be sufficiently helpful to get him to change his attitude at any time soon. These individuals also feel that the time it would take to bring such pressure on Mr. BYRNES would be precious time lost, in view of the announced intention of the leaders of Congress to adjourn by May 1. This would mean, they fear, that if any action is taken on the Van Nuys resolution at all, it would be so late in the session that Senators would be dispersing to their homes and would, therefore, not give very serious consideration to the Van Nuys resolution.

"In the meantime, with the approach of warm weather, and with the general belief in certain sections of the country and among certain types of people that Federal antilynching legislation is dead, we shall have a resumption of lynching which may exceed even last year's terrible record of 25 authenticated lynchings and 102 cases of narrowly averted lynchings, which, according to *The Mob Still Rides*, just published by the Commission on Interracial Cooperation in Atlanta, are fundamentally as serious as consummated lynchings, since they show the presence of the potential lynching spirit.

"Will you permit me to add, in all frankness, that I am most disappointed that the one Negro Member of Congress was the sole Representative who declined or deferred signing the petition to the leader of the Democratic caucus? Several others with whom I talked told me that they would have been very much disappointed had I not asked them to sign the petition because of their deep interest in stopping lynchings.

"I would appreciate your advising me if after thinking over our conversation yesterday you are still of the opinion that you do not care to sign the petition. So desperate is the situation and so implacable is the hostility to any action against lynching among certain Senators and Congressmen, there is strong feeling that no step should be left not taken to secure definite action by the present Congress on the subject of lynching. Certain southern Congressmen and Senators and their undercover and vicious efforts against both the Costigan-Wagner bill and the Van Nuys resolution in the Senate and against the antilynching bills in the House are trying to give the run-around to Negro and white Americans that the Negro vote helped to put the President and the administration in power and will be a potent factor in the 1936 election. Nor do they seem to appreciate that they as Members of Congress will have their present power and prestige only so long as the Democratic administration is in power.

"Forthright and uncompromising action is absolutely essential, and therefore I hope you will see fit not only to join with other Members of the House of Representatives in signing the petition but in working vigorously and uncompromisingly in the caucus and on the floor of the House for passage by this Congress of an unemasculated antilynching bill.

"Very sincerely,

"WALTER WHITE, Secretary."

MARCH 16, 1936.

MY DEAR MR. WHITE: I have received your letter of March 14, and have read the same with a great deal of interest. To begin with, I wish to repeat what I said to you in our conversation, namely, that I take second place to no person in the United States in expressing my uncompromising opposition to lynching and shall forever do so in the most effective manner possible. I think, in our opposition to this terrible crime, we are one and the same. It might be that we differ as to the best approach in bringing about the passage of a Federal antilynching bill, but if I understand you correctly, there can be no difference in our desire to accomplish this. I was a little surprised, however, when reading the petition you presented the other day, to find that you failed to include my own antilynching bill, introduced a year ago, and which I think is by far the best bill now pending before the House. I think, if you mean to be fair, you must agree that from our conversation you gathered the fact that I have done considerable in the House in an effort to make sentiment favorable to the passage of an antilynching bill. I remember how greatly surprised you were when I explained to you that I had talked with many of the southern Members and named some of them, including Mr. MAVERICK, of Texas, who have already pledged me their support of an antilynching bill whenever it can be brought before the House.

If I am to believe your statement that the only thing that keeps the Van Nuys resolution from being passed in the Senate is the opposition of Senator BYRNES, I can't help but conclude that the quickest way to get effective Federal action against lynching is to push that resolution, putting the proper pressure upon Senator BYRNES, not only through white women voters from the State of South Carolina, but through the President of the United States and others who have influence with him. You will recall that this was my suggestion in our conversation. I have thought over this most seriously since I talked with you and I can see no occasion to change my viewpoint on this. Nothing that you say in this letter does more than confirm this as being, in my estimation, the best approach at this time.

I am at a loss to understand why, in the fifth paragraph of your letter, you make the statement that I am the only Representative who did not sign your petition to call a caucus of the House at the time when the petition was presented to us last week. I am sure you do not mean to make a false statement, and yet it is difficult for me to reach any other conclusion in view of the fact that immediately after leaving you and going upon the floor of the House last Friday, a distinguished Congress-



man from the State of Indiana, whose name is familiar to you, called me before I took my seat and told me that on the previous day you had brought the petition to him and that he refused to sign, and that he had a long conversation with you in which he expressed the same view that I express—that it was not the proper procedure in the House at this time. This gentleman has introduced an antilynching bill in the House which is now before the Judiciary Committee of the House. Not only was I approached by him, but by others who told me that you had talked with them and had presented your petition to them and that they doubted the wisdom of such procedure, and because of that doubt they refused to sign at that time. What can be the purpose of such a statement as you make in this letter?

I wish to suggest that at your earliest convenience you make another trip to Washington. I shall be glad to call a conference of the leaders of the House for the purpose of having you present the petition to them and to me. In this conference I should like to have the Speaker; Hon. JOHN O'CONNOR; Hon. EDWARD T. TAYLOR of Colorado; Hon. PATRICK BOLAND, Democratic Whip of the House; yourself; and any other Congressmen you wish to suggest. I feel that the passage of a Federal anti-lynching bill is of such extreme importance that it should not be toyed with or handled in such way as to make its ultimate passage impossible. This is what seems to have happened in the Senate a year ago.

I am in position to say that with the work that I have done in the House in the way of making sentiment favorable to such a bill, it is entirely too valuable and means too much to my race for me to permit myself to be used in any way that to my mind would jeopardize the ultimate passage of this legislation. I came to Congress pledged not only to introduce an antilynching bill but to work unceasingly and uncompromisingly for its passage until such a time as this bill passes the House. This I propose to do, but I do not promise to adopt the tactics of some other person who has made a miserable failure covering a period of practically 15 years. This within itself should put us on guard that to pass the legislation we are so deeply interested in and which is so necessary to the safety and welfare of the Negro in the South that we must approach the subject with great care, thought, and deliberation. This is why I propose the conference mentioned. Please let me know what your reaction is toward this conference, and name the date that you plan to be in Washington, so that you and I might discuss it more fully before making the call for such conference.

Hoping that you are well and looking to hear from you by return mail and assuring you not only of my deep interest but of my heartiest cooperation in pushing this legislation through the House at the earliest possible moment, I am,

Very cordially and sincerely yours,

(Signed) ARTHUR W. MITCHELL.

Please note that in my answer to Mr. White I sought to cooperate with him in what I regard as being the best method in passing this legislation. I should like to call attention to the fact that not a single one of the suggestions I made in this connection was looked upon favorably by Mr. White nor were any of these suggestions acted upon. Notwithstanding this I wish to make it plain that I am in favor of passing an antilynching bill, I care not who is the author of the bill. I think the passage of important legislation like this is not to be quibbled over, and I wish to assure you and to assure this country that whatever antilynching bill is brought on the floor of the House I shall vote for its passage. Not only shall I vote for the passage but I shall work for its passage.

There is a method by which bills of this kind can be taken from the consideration of recalcitrant committees by complying with section 4 of rule 27 of the House Manual. This rule provides that a petition to lift legislation from the consideration of a committee and to bring it immediately before the House may be filed on the Speaker's desk, and when such petition shall have been signed by 218 Members of the House the bill will then be brought before the House. This is the procedure that has been resorted to in the Frazier-Lemke bill.

You will be interested to know that the Honorable JOSEPH A. GAVAGAN, of the Twenty-first District of New York, introduced an antilynching bill January 3, 1935, which bill is known as H. R. 5, and is about to be brought before the House. On the 8th day of April of 1936 Mr. GAVAGAN placed a petition on the Speaker's desk asking that this particular bill be taken from the consideration of the House Judiciary Committee and be brought before the House for immediate action. I was in Chicago engaged in the primary campaign when this petition was placed on the Speaker's desk. I returned to Washington April 17, 9 days later, and the first thing I did was to go to the Speaker's desk and to sign this petition.

I am number 36 among the signers of the petition. This petition now has almost 100 signers. I have personally used my influence to have practically every Democrat from my State to sign this petition. I expect to continue to use whatever influence I have until the required number is secured, and may I say to you that regardless of the wild rumors that come to you as to the method of bringing legislation before the House, which committee is requested to report, this is the only method by which it can be done. No caucus or group of individuals can take legislation from the consideration of committee in any manner except as I have already explained. I think what I have said is sufficient to acquaint you with the actual work that is going on in the House today.

Now, my job has been that of making favorable sentiment to the passage of this legislation. You will understand that in the

House, the full membership is 435; to pass any bill, a majority of those present is required. To pass a bill so highly controversial as is this bill, much serious work must be done in order to make favorable sentiment. I regard this work as being of far more importance than the mere introduction of a bill, and I am frank to say to you, my friends, and I say it without the slightest purpose of being egotistic, I think I have, through my conduct and manipulation among the Members of the House, made at least 100 converts for the passage of this legislation.

I should like to say here that when I was seeking to be elected to Congress, I made certain very definite promises to the people in Chicago, as to what I would do if elected to Congress. I have taken the pains to bring along the very statement that I made, which is as follows:

"The most dangerous element in our country today is that of enforced idleness, brought about largely by the cessation of work. I shall be in favor of any program which tends to furnish work for the people, even though such program incurs governmental expense, thus increasing taxation. I believe that idleness is a breeder of crime, which threatens the destruction not only of our institutions, but of the Government itself. And no monetary price to wipe out idleness and bring back prosperity, is too great.

"2. I am in favor of wiping out racial discriminations, which serve only one purpose—to breed hatred, prejudice, and injustice, thus making it impossible to prosper in the largest sense.

"3. I believe that the colored American citizens should continue to enjoy the same wholesome benefits to be derived from the higher standards of living, increased wages, and better housing conditions in the national program that are enjoyed by other racial groups.

"4. I believe that discriminations in governmental departments and in civil-service departments in Washington, should be eliminated. I shall work to eliminate the practice of our Civil Service Commission requiring applicants to submit their photographs with their applications and shall advocate the fingerprint system instead.

"5. I believe that the colored people should have their just proportion of the jobs and positions created under the emergency acts through which our New Deal is being put forth.

"6. I shall work incessantly to have the Congress pass an antilynching bill such as was introduced in last Congress.

"7. I shall work to reemancipate the colored people of the South and to wipe out all racial discriminations in voting privileges of the citizens of the South.

"8. I believe in making America first. This seems to be a national slogan, but it means nothing in our national life if we refuse or fail to make American citizens first. I contend that in the matter of employment whether in public or private enterprises and businesses, those born under our flag and those who have sworn allegiance to our flag should have preference. No American citizen who wishes to work should be forced to remain idle while a citizen of some foreign country is given work which an American could do and wishes to do. Any other course on the part of our citizens in business shows the basest kind of hypocrisy."

From this statement you will see that I pledged my constituents when I sought their vote that I would work for certain specific things in addition to working for the general program of the Democratic Party. I stand here to tell you, my friends, that I have kept that promise; my record bears me out in this statement. I should like also to call your attention to the fact that immediately after my election I gave a statement to the press as to what I expected to do in Congress, and with your permission I wish to read this statement, which should go some distance in clearing up other false rumors that have been spread by designing persons and agencies:

"I interpret my election to Congress as being a desire on the part of my constituents to have intelligent, courageous, honest, and capable representation in the Halls of Congress, which I contend the first district has not had during the past 6 years. I think the people are tired of bombast, ballyhoo, and noise, where we should have constructive thought, honest action, and real statesmanship.

"I accept the mandate of the people and look upon the same as a desire fully expressed, by white as well as by colored people, for new leadership under the New Deal. I am 100 percent in agreement with the President's program. I realize that in many instances the execution of the program is not handled as it should be, and because of this mishandling of the program different groups are made to suffer, but these are errors which can, and will be, corrected.

"I shall address myself first to looking after the interests of the people of the First Congressional District of Illinois who elected me to office. I shall always endeavor to be on the alert and use all the power that resides in me to protect the interests of my group. I shall welcome constructive criticisms from the people of the country, both colored and white, and shall endeavor to do my full duty without fear or favor of man, but trusting in God as my leader to whom I shall be responsible for my acts."

In closing this speech I wish to bring to your attention the progress that has been made through the spread of education, Christianity, civic training, and the agencies for racial good will during the past 40 years in wiping out the crime of lynching. I know you must be disturbed and alarmed as most of us are because of the frequent lynchings in the South during the last 4 months. I am exhibiting here a copy of a newspaper known as the Georgia Woman's World. This paper is published by a group of women in Atlanta, Ga. I have read many of the issues and



regard it as being the most dangerous and inflammatory journal it has ever been my privilege to read. The purpose of it seems to be to create and stir up race hatred. I firmly believe that the large number of lynchings that we have recently had in the South has been in a measure due to the circulation of this paper, and the influence it is having upon the ignorant white people who read it and believe it is their duty to engage in violence against any Negro who can be conveniently seized.

The high peak in lynching was reached in 1892, when the population of the country was 65,665,810. There were 226 lynchings, or 1 person was lynched out of every 290,000 citizens of the country, or 3.4 persons were lynched out of every million of our population. Over against this I wish to call attention to the number of persons lynched in 1932, 40 years later, at which time the population had increased to 124,822,000. There were 8 lynchings, as compared with 226 in 1892. Instead of there being 1 person lynched out of every 290,000 citizens, there was 1 person lynched out of every 15,603,000. The ratio per million had been reduced from 3.4 to 0.07 of a person.

Although mob violence in certain sections of the South seems to be on the increase, I am not discouraged; I believe that we are making progress. If in 40 years the number of lynchings could be reduced from 226 to 8, I believe that we can eventually reduce this crime to a minimum, if we are not able to wipe it out wholly, and I believe the passage of an antilynching law will do much good in making sentiment and in helping stamp out the crime.

I account it a pleasure to make these observations for your benefit and to thank you and the people of this section of the country for the support you have given and are giving, which will result in the passage of this legislation eventually and, we trust, in wiping out the crime completely. My final word: May God bless these brave justice-loving people in every part of this land who are coming forward and demanding equal protection of life, liberty, and the pursuit of happiness of all our citizens, be they rich or poor, white or black, and whether they live in the North or South.

#### LIBRARY OF CONGRESS TRUST FUND BOARD

Mr. SECREST. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill (H. R. 12353) to amend an act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### UNITED STATES HARVARD UNIVERSITY TRICENTENARY COMMISSION

The SPEAKER. Pursuant to the provisions of Public Resolution No. 88, Seventy-fourth Congress, the Chair appoints as members of the United States Harvard University Tricentenary Commission to serve with himself the following Members of the House of Representatives:

Mr. O'CONNOR, of New York; Mr. RUSSELL, of Massachusetts; Mr. BACON, of New York; Mr. WIGGLESWORTH, of Massachusetts.

#### LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted as follows:

To Mr. CHANDLER, for 3 days, on account of official business.

To Mr. SHANNON, for 2 days, on account of death in family.

To Mr. ZIMMERMAN, for 1 week, on account of illness in family.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3486. An act to repeal the act entitled "An act relating to Philippine currency reserves on deposit in the United States"; to the Committee on Insular Affairs.

S. 3841. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

S. 4457. An act authorizing the appointment of an additional circuit judge for the third circuit; to the Committee on the Judiciary.

S. 4609. An act to correct the description of certain land granted to the University of Utah; to the Committee on Military Affairs.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly

enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2982. An act for the relief of Sarah Shelton;

H. R. 7110. An act to authorize the President to bestow the Navy Cross upon Brig. Gen. Robert H. Dunlap, United States Marine Corps, deceased;

H. R. 8262. An act for the relief of Tom Rogers and the heirs of W. A. Bell, Israel Walker, Henry Shaw, Thomas Bailey, and Joseph Watson;

H. R. 8287. An act to establish an assessed valuation real property tax in the Virgin Islands of the United States;

H. R. 8372. An act to authorize the acquisition of lands in the vicinity of Miami, Fla., as a site for a naval air station and to authorize the construction and installation of a naval air station thereon;

H. R. 8431. An act to provide for the establishment of the Fort Frederica National Monument, at St. Simon Island, Ga., and for other purposes;

H. R. 8784. An act to authorize withholding compensation due Government personnel;

H. R. 9995. An act to grant a renewal of patent no. 59560, relating to the emblem of the Disabled American Veterans of the World War;

H. R. 10194. An act granting a renewal of patent no. 40029, relating to the badge of the Holy Name Society;

H. R. 10267. An act to provide for adjusting the compensation of division superintendents, assistant division superintendents, assistant superintendents at large, assistant superintendent in charge of car construction, chief clerks, assistant chief clerks, and clerks in charge of sections in offices of division superintendents in the Railway Mail Service to correspond to the rates established by the Classification Act of 1923, as amended; and

H. R. 10934. An act to authorize the transfer of the custom-house at Salem, Mass., from the jurisdiction of the Treasury Department to the Department of the Interior.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3483. An act to provide for rural electrification, and for other purposes.

#### ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned until tomorrow, Wednesday, May 20, 1936, at 12 o'clock meridian.

#### EXECUTIVE COMMUNICATIONS, ETC.

838. Under clause 2 of rule XXIV, a letter from the Comptroller of the Near East Relief, transmitting the annual report of the Near East Relief, was taken from the Speaker's table and referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. WHITE: Committee on Irrigation and Reclamation. H. R. 12663. A bill to provide for studies and plans for the development of a hydroelectric power project at Cabinet Gorge, on the Clark Fork of the Columbia River, and a reclamation project for the Rathdrum Prairie area, and for other purposes; without amendment (Rept. No. 2675). Referred to the Committee of the Whole House on the state of the Union.

Mr. KRAMER: Committee on Immigration and Naturalization. H. R. 12325. A bill to protect for American actors, vocal musicians, operatic singers, and orchestral conductors the artistic and earning opportunities in the United States, and for other purposes; with amendment (Rept. No. 2677). Referred to the Committee of the Whole House on the state of the Union.

Mr. McFARLANE: Committee on Naval Affairs. H. R. 10356. A bill authorizing the Secretary of the Navy to convey a right-of-way over certain lands situated in Solano



County, Calif., to the State of California for State highway purposes; with amendment (Rept. No. 2678). Referred to the Committee of the Whole House on the state of the Union.

Mr. PATMAN: Special Committee Investigating American Retail Federation. House Report 2679. Report of the Special Congressional Committee Investigating the American Retail Federation on that part of the resolution in regard to big-scale buying and selling, pursuant to House Resolution 239 (74th Cong.). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. House Report 2680. Report on the War Department investigation, pursuant to House Resolution 59 (74th Cong.). Referred to the Committee of the Whole House on the state of the Union.

Mr. FIESINGER: Committee on Rivers and Harbors. H. R. 11916. A bill to authorize the transfer of a certain piece of land in Muhlenberg County, Ky., to the State of Kentucky; without amendment (Rept. No. 2681). Referred to the Committee of the Whole House on the state of the Union.

Mr. CONNERY: Committee on Labor. House Resolution 49. Resolution requesting the Secretary of Labor to compile a list of the labor-saving devices, and for other purposes; with amendment (Rept. No. 2685). Referred to the Committee of the Whole House on the state of the Union.

Mr. FREY: Committee on Foreign Affairs. S. 1896. An act to provide for interest payments on American Embassy drafts; without amendment (Rept. No. 2686). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. Senate Joint Resolution 226. Joint resolution authorizing the President to invite foreign countries to participate in the San Francisco Bay Exposition of 1939 at San Francisco, Calif.; with amendment (Rept. No. 2687). Referred to the House Calendar.

Mr. MILLER: Committee on the Judiciary. S. 3907. An act for the relief of the State of Nevada; without amendment (Rept. No. 2688). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. S. 4432. An act authorizing and directing the Secretary of War to lease land on the Fort Moultrie (S. C.) Military Reservation to the owners of certain cottages thereon; without amendment (Rept. No. 2691). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SMITH of Connecticut: Committee on Military Affairs. House Joint Resolution 570. Joint resolution authorizing the President of the United States to award posthumously a Distinguished Service Medal to Maj. Gen. Clarence Ransom Edwards; without amendment (Rept. No. 2682). Referred to the Committee of the Whole House.

Mr. MAAS: Committee on Naval Affairs. S. 3369. An act providing for the posthumous appointment of Ernest E. Dailey as a warrant radio electrician, United States Navy; without amendment (Rept. No. 2683). Referred to the Committee of the Whole House.

Mr. DREWRY: Committee on Naval Affairs. Senate Joint Resolution 209. Joint resolution authorizing the presentation of silver medals to the personnel of the Second Byrd Antarctic Expedition; without amendment (Rept. No. 2684). Referred to the Committee of the Whole House.

Mr. DARDEN: Committee on Naval Affairs. H. R. 11984. A bill for the relief of Oda Herbert Plowman; without amendment (Rept. No. 2689). Referred to the Committee of the Whole House.

Mr. BEITER: Committee on War Claims. H. R. 12772. A bill for the relief of sundry claimants, and for other purposes; without amendment (Rept. No. 2690). Referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 12358) granting an increase of pension to Melissa F. Proctor; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12382) granting a pension to Jesse L. Fisher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12571) granting a pension to Caleb J. Ledford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCKLER of Minnesota: A bill (H. R. 12743) to establish a Red Lake Chippewa fund from the present fund of Chippewa Indians of Minnesota; to the Committee on Indian Affairs;

Also, a bill (H. R. 12744) to amend section 101 (12) of the Revenue Act of 1934; to the Committee on Ways and Means.

By Mr. CARMICHAEL: A bill (H. R. 12745) to aid the several States in making certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes; to the Committee on Roads.

By Mr. CELLER: A bill (H. R. 12746) granting the consent of Congress to agreements of compacts between any two or more States, with respect to the duplication and evasion of State and local tax laws; to the Committee on the Judiciary.

By Mr. COLDEN: A bill (H. R. 12747) to provide for the production for use for the unemployed of the United States under the direction of the Department of Agriculture by the establishment of a Civilian Cooperative Production Agency in order that all citizens of the United States may enjoy economic independence, life, liberty, and the pursuit of happiness; to the Committee on Agriculture.

By Mr. LORD: A bill (H. R. 12748) authorizing the Interstate Bridge Commission of the State of New York and the Commonwealth of Pennsylvania to reconstruct, maintain, and operate a free highway bridge across the West Branch of the Delaware River between a point in the vicinity of the village of Hancock, Delaware County, N. Y., and a point in the town of Buckingham, Wayne County, Pa., and a highway bridge across the Delaware River between points in the village of Barryville, Sullivan County, N. Y., and the village of Shohola, Pike County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. McMILLAN: A bill (H. R. 12749) to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes; to the Committee on Naval Affairs.

By Mr. McSWAIN: A bill (H. R. 12750) to provide for the administration of the United States Soldiers' Home; to the Committee on Military Affairs.

By Mr. BOEHNE: A bill (H. R. 12751) to make movement in interstate or foreign commerce with intent to avoid obligations to support certain persons an offense against the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 12752) making it a Federal offense for any person to move in interstate or foreign commerce with intent to avoid his obligation to support his children; to the Committee on the Judiciary.



By Mr. DARDEN: A bill (H. R. 12753) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough; to the Committee on Coinage, Weights, and Measures.

By Mr. McFARLANE: A bill (H. R. 12754) to authorize the acquisition of lands in the vicinity of Galveston, Tex., as a site for a naval air station and to authorize the construction of a naval air station thereon; to the Committee on Naval Affairs.

By Mr. CRAWFORD: A bill (H. R. 12755) to further the development and maintenance of an adequate and well-balanced American merchant marine, to promote the commerce of the United States, to aid in the national defense, to repeal certain former legislation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CROWTHER: A bill (H. R. 12756) to authorize the coinage of 50-cent pieces in commemoration of the memory of the late Dr. Charles P. Steinmetz; to the Committee on Coinage, Weights, and Measures.

By Mr. KNUTSON (by request): A bill (H. R. 12757) to amend the Social Security Act with respect to old-age benefits, and in other respects; to the Committee on Ways and Means.

By Mr. GASQUE: A bill (H. R. 12758) to increase the pension to certain veterans of the Regular Establishment on the rolls March 19, 1933; to the Committee on Pensions.

By Mr. McCORMACK: A bill (H. R. 12759) to expedite the despatch of vessels from certain ports of call; to the Committee on Merchant Marine and Fisheries.

By Mr. TERRY: A bill (H. R. 12760) authorizing a preliminary examination and survey of the Fourche La Pave River, in Perry, Yell, and Scott Counties, Ark., with a view to the construction of a flood-control reservoir dam in the vicinity of what is commonly known as The Narrows on said stream in Scott County; to the Committee on Flood Control.

By Mrs. O'DAY: A bill (H. R. 12761) to extend the definition of an alien veteran for naturalization purposes only, so as to include certain alien enemies and nationals of Turkey and Bulgaria who rendered active service in United States armed forces with personal record of loyalty to the United States, and for other purposes; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 12762) to extend the definition of an alien veteran for naturalization purposes only, so as to include certain alien enemies and nationals of Turkey and Bulgaria who rendered active service in the United States armed forces with personal record of loyalty to the United States, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. SAUTHOFF: A bill (H. R. 12763) to provide for the general welfare by enabling the several States to make more adequate provision for the operation of open-air health camps for children of indigent families; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON of Kentucky: A bill (H. R. 12764) to create a Division of Stream Pollution Control in the Bureau of Public Health Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MEAD: A bill (H. R. 12765) to provide for the transportation and distribution of mails on motor-vehicle routes; to the Committee on the Post Office and Post Roads.

By Mr. PATTERSON: A bill (H. R. 12766) to amend section 207 of the act approved February 28, 1925, as amended, to promote Parcel Post Service; to the Committee on the Post Office and Post Roads.

By Mr. PIERCE: A bill (H. R. 12767) to authorize completion, maintenance, and operation of certain facilities for navigation on the Columbia River, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. GASQUE: A bill (H. R. 12768) granting double pensions for disability from aviation, submarine, or diving duty; to the Committee on Pensions.

Also, a bill (H. R. 12769) to liberalize the provisions of Public Law No. 484, Seventy-third Congress, providing pen-

sions to widows and other dependents of deceased service-connected disabled World War veterans; to the Committee on World War Veterans' Legislation.

By Mr. MITCHELL of Illinois: A bill (H. R. 12770) to provide for the organization and maintenance of two battalions of combat infantry of colored troops as a part of the National Guard of the State of Pennsylvania and appropriating \$100,000 for its equipment by the War Department; to the Committee on Military Affairs.

By Mr. O'LEARY: A bill (H. R. 12771) to afford protection against unauthorized use of the ensign, emblems, badges, designating marks, and certificates of the United States Power Squadrons, Inc.; to the Committee on the Judiciary.

By Mr. BEITER: A bill (H. R. 12772) for the relief of sundry claimants, and for other purposes; to the Committee on Claims.

By Mr. COCHRAN: Resolution (H. Res. 518) to provide for clerk to stenographers to committees; to the Committee on Accounts.

By Mr. BEITER: Joint resolution (H. J. Res. 591) to enable the Reconstruction Finance Corporation to finance additional projects of the Federal Emergency Administration of Public Works; to the Committee on Banking and Currency.

By Mr. SIROVICH: Concurrent resolution (H. Con. Res. 49) creating a joint committee of the Senate and House to determine the practicability of a union between the United States and Canada, and for other purposes; to the Committee on Rules.

By Mr. VINSON of Georgia: Concurrent resolution (H. Con. Res. 50) expressing the appreciation of Congress for a bequest of a collection of naval and other medals from the late Dr. Malcolm Storer, of Boston, Mass.; to the Committee on Naval Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of Michigan: A bill (H. R. 12773) for the relief of Mary Way; to the Committee on Claims.

By Mr. DOUGHTON: A bill (H. R. 12774) granting an increase of pension to Alfred L. Gross; to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 12775) granting an increase of pension to Keturah O. Donnels; to the Committee on Invalid Pensions.

By Mr. KRAMER: A bill (H. R. 12776) granting a pension to Clara E. Huffman; to the Committee on Invalid Pensions.

By Mr. McCORMACK: A bill (H. R. 12777) for the relief of Ralph W. Sears; to the Committee on Military Affairs.

By Mr. MONAGHAN: A bill (H. R. 12778) granting compensation to Joseph C. Eastland; to the Committee on Claims.

Also, a bill (H. R. 12779) to settle certain claims against the United States in connection with fire-fighting work of the Forest Service in Montana; to the Committee on Claims.

Also, a bill (H. R. 12780) for the relief of Benjamin Stewart; to the Committee on Claims.

Also, a bill (H. R. 12781) for the relief of Wade R. Parks; to the Committee on Claims.

By Mr. RANDOLPH: A bill (H. R. 12782) to provide compensation for Walter L. Helbig for injuries received at the Navy Yard in Washington, D. C.; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 12783) for the relief of Harry W. Dubiske; to the Committee on Claims.

By Mr. SANDERS of Texas: A bill (H. R. 12784) for the relief of C. A. Jones; to the Committee on Claims.

Also, a bill (H. R. 12785) for the relief of Elbert Gentry; to the Committee on Claims.

By Mr. WHITE: A bill (H. R. 12786) granting a pension to Marion M. Luther; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12787) granting a pension to Leona J. Strickland; to the Committee on Invalid Pensions.



## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10902. By Mr. ANDREW of Massachusetts: Petition of the General Court of Massachusetts, memorializing the President and Congress of the United States in favor of the permanency of the Civilian Conservation Corps; to the Committee on Appropriations.

10903. Also, petition memorializing Congress relative to affording the privilege of entry into this country to those persons who are being discriminated against and persecuted in Germany; to the Committee on Immigration and Naturalization.

10904. By Mr. CONNERY: Petition of the Cambridge Housing Authority, of Cambridge, Mass., protesting against poor housing and slum conditions, and urging passage of Wagner-Ellenbogen housing bill; to the Committee on Banking and Currency.

10905. Also, petition of the Workers' Education Council of Greater Boston, Mass., endorsing and urging the enactment of the Ellenbogen national textile bill (H. R. 12285); to the Committee on Banking and Currency.

10906. Also, petition of the Artists Union of Massachusetts, urging the enactment of the Frazier-Lundeen workers' social insurance bill, introduced in the Senate as Senate bill 3475 and in the House of Representatives as House bill 9608; to the Committee on Labor.

10907. By Mr. CULLEN: Petition of the New York Clothing Cutters Union, A. C. W. of A., New York City, urging the enactment of legislation for the creation of a court of appeals for civil-service employees; to the Committee on the Civil Service.

10908. By Mr. HIGGINS of Massachusetts: Resolutions of the Massachusetts Legislature; to the Committee on Appropriations.

10909. Also, resolution of the Massachusetts Legislature, memorializing Congress relative to affording the privilege of entry into this country to those persons who are being persecuted and discriminated against in Germany; to the Committee on Immigration and Naturalization.

10910. By Mr. McCORMACK: Memorial of the General Court of Massachusetts, memorializing Congress relative to affording the privilege of entry into this country of those persons who are being persecuted and discriminated against in Germany; to the Committee on Immigration and Naturalization.

10911. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, favoring making the Civilian Conservation Corps a permanent institution; to the Committee on Appropriations.

10912. Also, memorial of the General Court of Massachusetts, advocating the privilege of entry into the United States of persons persecuted or discriminated against in Germany; to the Committee on Immigration and Naturalization.

10913. By Mr. PFEIFER: Petition of the New York Clothing Cutters' Union, New York City, endorsing the Pearson bill (H. R. 9258) establishing a Civil Service Court of Appeals; to the Committee on the Civil Service.

10914. By Mr. RICH: Petition of citizens of Wellsboro, Pa.; to the Committee on Agriculture.

10915. Also, petition of the Enterprise Council, No. 136, Sons and Daughters of Liberty, of Muncy, Pa., favoring the passage of Senate bill 4011 and House bill 11172; to the Committee on Immigration and Naturalization.

10916. By Mrs. ROGERS of Massachusetts: Petition of the General Court of the Commonwealth of Massachusetts, relative to affording the privilege of entry into this country to those persons who are being persecuted and discriminated against in Germany; to the Committee on Foreign Affairs.

10917. Also, petition of the General Court of the Commonwealth of Massachusetts, favoring the permanency of the Civilian Conservation Corps; to the Committee on Appropriations.

10918. By Mr. KRAMER: Resolution of the Los Angeles District Council of Carpenters, relative to endorsing the Townsend old-age-pension plan and the McGroarty bill, no. 7154; to the Committee on Ways and Means.

## SENATE

WEDNESDAY, MAY 20, 1936

(Legislative day of Tuesday, May 12, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

## THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, May 19, 1936, was dispensed with, and the Journal was approved.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

## CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum. The VICE PRESIDENT. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Keyes	Pittman
Ashurst	Copeland	King	Pope
Bachman	Couzens	La Follette	Robinson
Bailey	Davis	Lewis	Russell
Barbour	Dieterich	Logan	Schwellenbach
Barkley	Donahay	Loneragan	Sheppard
Benson	Fletcher	Long	Shipstead
Bilbo	Frazier	McAdoo	Smith
Black	George	McGill	Steiwer
Bone	Gerry	McNary	Thomas, Okla.
Borah	Gibson	Maloney	Townsend
Brown	Glass	Metcalf	Truman
Bulkley	Guffey	Moore	Vandenberg
Bulow	Hale	Murphy	Van Nuys
Burke	Harrison	Murray	Wagner
Byrd	Hastings	Neely	Walsh
Capper	Hatch	Norris	Wheeler
Caraway	Hayden	Nye	White
Chavez	Holt	O'Mahoney	
Clark	Johnson	Overton	

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], and the Senator from Nevada [Mr. McCARRAN] are absent because of illness; that the Senator from South Carolina [Mr. BYRNES], the Senator from Oklahoma [Mr. GORE], the Senator from Tennessee [Mr. McKELLAR], the junior Senator from Maryland [Mr. RADCLIFFE], and the senior Senator from Maryland [Mr. TYDINGS] are unavoidably detained; and that the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Wisconsin [Mr. DUFFY], the Senator from Indiana [Mr. MINTON], and the Senator from Utah [Mr. THOMAS] are absent in connection with their duties as members of the Board of Visitors to the Military Academy at West Point.

I further announce that the Senator from North Carolina [Mr. REYNOLDS] is absent because of a death in his family.

Mr. McNARY. I announce that the Senator from Vermont [Mr. AUSTIN] and the Senator from Iowa [Mr. DICKINSON] are necessarily absent, and that the Senator from Wyoming [Mr. CAREY] is absent in the performance of his duty as a member of the Board of Visitors to the United States Military Academy.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 560. An act for the relief of the Western Electric Co., Inc.;

S. 760. An act for the relief of Harry P. Hollidge;



S. 920. An act for the relief of Ruth J. Barnes;  
 S. 952. An act for the relief of Zelma Halverson;  
 S. 1186. An act for the relief of Frank P. Ross;  
 S. 1328. An act for the relief of the Snare & Triest Co., now Frederick Snare Corporation;

S. 1431. An act for the relief of the Collier Manufacturing Co. of Barnesville, Ga.;

S. 1490. An act for the relief of Earl A. Ross;

S. 2520. An act for the relief of T. D. Randall & Co.; and

S. 2734. An act to confer jurisdiction upon the United States Court of Claims to hear and determine the claims of Henry W. Bibus, Annie Ulrick, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, estate of Harry B. C. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 537. An act for the relief of C. O. Meyer; and

S. 1073. An act for the relief of Louis Finger.

The message further announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 925. An act to carry into effect the findings of the Court of Claims in the case of William W. Danenhower; and

S. 1360. An act for the relief of Teresa de Prevost.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 237. An act for the relief of the Rowesville Oil Co.;

H. R. 254. An act for the relief of the Farmers' Storage & Fertilizer Co., of Aiken, S. C.;

H. R. 1105. An act for the relief of Lucy Jane Ayer;

H. R. 1618. An act for the relief of Anna McDonald;

H. R. 2479. An act for the relief of Charles G. Johnson, State treasurer of the State of California;

H. R. 3559. An act for the relief of John L. Alcock;

H. R. 3575. An act for the relief of Mrs. Lawrence Chlebeck;

H. R. 3907. An act for the relief of James L. Park;

H. R. 3943. An act for the relief of D. E. Wooldridge;

H. R. 4059. An act for the relief of Ella B. Kimball, daughter and only heir of Jeremiah Simonson;

H. R. 4256. An act for the relief of Anna Caporaso;

H. R. 4364. An act for the relief of Andrew Johnson;

H. R. 4373. An act for the relief of Albert Gonzales;

H. R. 4829. An act for the relief of Weymouth Kirkland and Robert N. Golding;

H. R. 5078. An act for the relief of Mrs. Charles F. Eikenberg;

H. R. 5150. An act for the relief of Alexander E. Kovner;

H. R. 5635. An act conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the mayor and aldermen of Jersey City, Hudson County, N. J., a municipal corporation;

H. R. 6356. An act to carry out the findings of the Court of Claims in the case of Joseph G. Grissom;

H. R. 7727. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of George B. Marx, Inc.;

H. R. 11108. An act to advance a program of national safety and accident prevention;

H. R. 12056. An act authorizing the State of Iowa, acting through its State highway commission, and the State of Nebraska, acting through its department of roads and irrigation, to construct, maintain, and operate a free or toll bridge across the Missouri River at or near Dodge Street in the city of Omaha, Nebr.;

H. R. 12168. An act to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam; and

H. J. Res. 377. Joint resolution to enable the States of Maine, New Hampshire, New York, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, West Virginia, Kentucky, Indiana, Illinois, Tennessee, and Ohio to conserve and

regulate the flow of and purify the waters of rivers and streams whose drainage basins lie within two or more of the said States.

SUPPLEMENTAL ESTIMATES, DEPARTMENT OF STATE (S. DOC. NO. 239)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, supplemental estimates of appropriations for the Department of State, fiscal years 1936 and 1937, amounting to \$22,100, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S. DOC. NO. 240)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, estimates of appropriations submitted by certain executive departments to pay claims for damages to privately owned property, amounting to \$1,461.50, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, SMITHSONIAN INSTITUTION (S. DOC. NO. 238)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a supplemental estimate of appropriation for the Smithsonian Institution (Astrophysical Observatory) for the fiscal year 1937, amounting to \$200,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

#### DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate 11 letters from the Archivist of the United States, reporting, pursuant to law, that there are accumulations of documents and papers on the files of certain departments and independent offices of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and transmitting lists of such papers, which, with the accompanying papers, were referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. NORBECK members of the committee on the part of the Senate.

#### PETITION

Mr. WALSH presented resolutions adopted by the General Court of Massachusetts, favoring the enactment of legislation to make the Civilian Conservation Corps a permanent corps, which were referred to the Committee on Agriculture and Forestry.

(See resolutions printed in full when laid before the Senate by the Vice President on the 19th instant, p. 7453, CONGRESSIONAL RECORD.)

#### FRAZIER-LEMKE FARM REFINANCING BILL

Mr. FRAZIER. I ask unanimous consent to have printed in the RECORD and to lie on the table a resolution which I have received from Stamford, Conn., regarding the so-called Frazier-Lemke bill.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

We, citizens of Stamford, Conn., in mass meeting assembled at the Town Hall Plaza, resent the un-American and undemocratic methods which have recently been revealed in efforts to block and defeat proposed national legislation designated as the Frazier-Lemke bill. We are not here endorsing or opposing the economic features of the Frazier-Lemke bill, but we are publicly protesting against the political treacheries and conspiracies practiced in the Congress by congressional representatives who are the political puppets of racketeers of high finance.

We condemn William S. Green, president of the American Federation of Labor, for injecting the name of organized labor into the fight against the Frazier-Lemke bill, as we contend that there is no justification for Mr. Green's claiming that the great mass of organized labor was behind him and those actions of his which resulted in his placing before the Congress a letter signed by himself condemning the Frazier-Lemke bill and expressing the alleged feelings of organized labor.



We realize that Senator LYNN J. FRAZIER and Representative WILLIAM LEMKE have for many years in public office been the consistent champions of the working people of America, and we here commend them for the splendid records that they have made.

We condemn the Representatives to Congress from the State of Connecticut who voted against the Frazier-Lemke bill and who supported the un-American tactics applied by political and financial gangdom for the defeat of the Frazier-Lemke bill. We believe that all of the Connecticut Representatives to Congress should be defeated for reelection this year.

We approve of the proposal to convene a convention for the purpose of affording open expression of all independent voters in the Fourth Congressional District of the State of Connecticut. It is the wish of us citizens here assembled that the proposed independent voters' convention select candidates for Congress whose principles and practices will warrant the support of loyal Americans. We propose that two candidates for Congress from the Fourth Congressional District be selected, one to be entered in the Republican primaries and one to be entered in the Democratic primaries in order to insure the election to Congress of a Representative who is truly the choice of the citizens and who will represent them properly in the Congress.

We request the chairman of this meeting to offer a copy of this resolution to the press and to send a copy to the Honorable LYNN J. FRAZIER, United States Senator, with the request that he present it for publication in the CONGRESSIONAL RECORD.

#### REPORTS OF COMMITTEES

Mr. HATCH, from the Committee on the Judiciary, to which was referred the bill (S. 3822) to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, reported it without amendment and submitted a report (No. 2053) thereon.

Mr. PITTMAN, from the Committee on Foreign Relations, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

S. 4667. A bill to prohibit the commercial use of the coat of arms of the Swiss Confederation pursuant to the obligation of the Government of the United States under article 28 of the Red Cross Convention signed at Geneva July 27, 1929 (Rept. No. 2054); and

H. J. Res. 499. Joint resolution authorizing and requesting the President to extend to the Government of Sweden and individuals an invitation to join the Government and people of the United States in the observance of the three hundredth anniversary of the first permanent settlement in the Delaware River Valley, and for other purposes (Rept. No. 2055).

Mr. WHITE, from the Committee on Commerce, to which was referred the bill (S. 4619) to amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life and property through the use of wire and radio communications, and for other purposes, reported it without amendment and submitted a report (No. 2060) thereon.

Mr. COPELAND, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4648. A bill to promote safety at sea in the neighborhood of ice and derelicts, and for other purposes (Rept. No. 2058);

S. 4654. A bill to amend an act entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes", approved January 12, 1923 (Rept. No. 2056); and

S. 4655. A bill relative to limitation of shipowners' liability (Rept. No. 2061).

Mr. COPELAND also, from the Committee on Commerce, to which was referred the bill (H. R. 8597) to amend section 13 of the act of March 4, 1915, entitled "An act to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea", to maintain discipline on shipboard, and for other purposes, reported it with an amendment and submitted a report (No. 2059) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11915) to amend the Coastwise Load Line Act, 1935, reported it with amendments and submitted a report (No. 2057) thereon.

#### ADDITIONAL REPORT ON "MORRO CASTLE" AND "MOHAWK" DISASTERS (PT. 3, S. REPT. NO. 776)

Mr. COPELAND. Mr. President, I ask consent to submit from the Committee on Commerce an additional preliminary report of the Safety at Sea Subcommittee of the Commerce Committee, pursuant to Senate Resolution 7 (74th Cong., 1st sess.), relating to the investigations of the steamships *Morro Castle* and *Mohawk* disasters and the adequacy of methods and practices for the safety of life at sea, with particular reference to that portion of the resolution requiring "recommendations for necessary legislation." I ask that the report be printed.

The VICE PRESIDENT. Without objection, the report will be received and printed.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. GUFFEY introduced Senate bill 4668, which was referred to the Committee on Interstate Commerce and appears under a separate heading.)

By Mr. LOGAN:

A bill (S. 4669) authorizing the Veterans' Administration of the United States to accept 500 acres of land in Campbell County, Ky., for the purpose of establishing a home for dependent widows and orphans of World War veterans; to the Committee on Military Affairs.

By Mr. GLASS:

A bill (S. 4670) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough; to the Committee on Banking and Currency.

By Mr. WALSH:

A joint resolution (S. J. Res. 269) to authorize the Secretary of War to lend to Charles Scoville Wishard for use of the national assembly of the Oxford Group, to be held at and near Stockbridge, Mass., May 29, 1936, to June 8, 1936, both inclusive, certain camp equipment of the United States Army hereinafter designated; to the Committee on Military Affairs.

#### REGULATION OF INTERSTATE COMMERCE IN BITUMINOUS COAL

Mr. GUFFEY. Mr. President, I ask consent to introduce a bill to regulate interstate commerce in bituminous coal, and for other purposes. This bill is a substitute for the Bituminous Coal Conservation Act of 1935, certain provisions of which were recently declared unconstitutional by the Supreme Court of the United States, and makes such changes in the Bituminous Coal Conservation Act of 1935 as are necessary to meet the views of the majority of the Court.

It will be recalled that four members of the Court held that the price-fixing provisions of the act of 1935 were valid. The majority of the Court held that the price-fixing provisions of the act could not be considered apart from the labor regulations, and that since the labor provisions of the act of 1935 were beyond the power of Congress the act would have to fall.

In the bill I am now introducing, the labor provisions of the act of 1935 have been wholly eliminated, and the power of Congress to be exercised under this bill is its undisputed power under the Constitution to regulate interstate commerce.

I further ask that the bill be referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. Without objection, the bill will be received and referred as requested by the Senator from Pennsylvania.



The bill (S. 4668) to regulate interstate commerce in bituminous coal, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

#### HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

- H. R. 237. An act for the relief of the Rowesville Oil Co.;  
 H. R. 254. An act for the relief of the Farmers' Storage & Fertilizer Co., of Aiken, S. C.;  
 H. R. 1105. An act for the relief of Lucy Jane Ayer;  
 H. R. 1618. An act for the relief of Anna McDonald;  
 H. R. 3559. An act for the relief of John L. Alcock;  
 H. R. 3575. An act for the relief of Mrs. Lawrence Chlebeck;  
 H. R. 3907. An act for the relief of James L. Park;  
 H. R. 3943. An act for the relief of D. E. Wooldridge;  
 H. R. 4059. An act for the relief of Ella B. Kimball, daughter and only heir of Jeremiah Simonson;  
 H. R. 4256. An act for the relief of Anna Caporaso;  
 H. R. 4364. An act for the relief of Andrew Johnson;  
 H. R. 4373. An act for the relief of Albert Gonzales;  
 H. R. 4829. An act for the relief of Weymouth Kirkland and Robert N. Golding;  
 H. R. 5078. An act for the relief of Mrs. Charles F. Eikenberg;  
 H. R. 5150. An act for the relief of Alexander E. Kovner;  
 H. R. 5635. An act conferring jurisdiction upon the Court of Claims, to hear, determine, and render judgment upon the claim of the mayor and aldermen of Jersey City, Hudson County, N. J., a municipal corporation;  
 H. R. 6356. An act to carry out the findings of the Court of Claims in the case of Joseph G. Grissom; and  
 H. R. 7727. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of George B. Marx, Inc.; to the Committee on Claims.  
 H. R. 2479. An act for the relief of Charles G. Johnson, State treasurer of the State of California; to the calendar.  
 H. R. 11108. An act to advance a program of national safety and accident prevention; to the Committee on Interstate Commerce.  
 H. R. 12056. An act authorizing the State of Iowa, acting through its State highway commission, and the State of Nebraska, acting through its department of roads and irrigation, to construct, maintain, and operate a free or toll bridge across the Missouri River at or near Dodge Street in the city of Omaha, Nebr.; to the Committee on Commerce.  
 H. R. 12168. An act to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam; to the Committee on Banking and Currency.  
 H. J. Res. 377. Joint resolution to enable the States of Maine, New Hampshire, New York, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, West Virginia, Kentucky, Indiana, Illinois, Tennessee, and Ohio to conserve and regulate the flow of and purify the waters of rivers and streams whose drainage basins lie within two or more of the said States; to the Committee on the Judiciary.

#### NATIONAL FLOOD CONTROL—AMENDMENTS

Mr. GUFFEY, Mr. LOGAN, and Mr. SHEPPARD each submitted an amendment intended to be proposed by them, respectively, to the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which were severally referred to the Committee on Commerce and ordered to be printed.

#### OFFICES UNDER THE W. P. A.—AMENDMENT TO FIRST DEFICIENCY BILL

Mr. BILBO. Mr. President, I submit an amendment intended to be proposed by me to House bill 12624, the first deficiency bill. I ask that the amendment be printed and referred to the Committee on Appropriations.

I also present for publication in the RECORD General Letter No. 2, sent to the State administrators of the W. P. A. by Harry L. Hopkins. I am asking to have this letter

printed in the RECORD at this juncture in connection with the amendment, which I also ask to have printed in the RECORD, because it is in confirmation of the general order issued by Mr. Hopkins. I am offering the amendment in response to the many observations made by our friends on the other side of the Chamber and to save them any anticipated trouble in the future.

The VICE PRESIDENT. Without objection, the amendment will be received, referred to the Committee on Appropriations, and printed, and the amendment and letter will be printed in the RECORD as requested.

The proposed amendment and letter are as follows:

Amendment intended to be proposed by Mr. BILBO to House bill 12624, the first deficiency appropriation bill, 1936: On page 26, after line 7, to insert the following paragraph:

"No person who is a candidate for any State, district, county, or municipal office in any primary, general, or special election, or is serving as a campaign manager or assistant thereto for any such candidate, or is a member of any campaign committee organized to promote the political interest of any candidate for such office, or holds, either by appointment or election, any such office, shall be employed or continued in employment on administration staffs of the Works Progress Administration: *Provided further*, That this prohibition or ineligibility shall apply to any person employed or seeking employment on nonrelief supervisory personnel on works projects as well as on State, district, and field representative staffs."

WORKS PROGRESS ADMINISTRATION,  
 Washington, D. C., February 21, 1936.

General Letter No. 2.

To: All State Works Progress administrators.

Subject: Supervisory personnel holding elective offices.

The question has arisen as to the policy of this Administration with respect to individuals holding elective offices and having W. P. A. employment simultaneously.

For your information, persons who are candidates for or hold elective offices shall not be employed on administrative staffs of the Works Progress Administration. This ruling applies to nonrelief supervisory personnel on work projects as well as to State, district, and field administrative staffs.

HARRY L. HOPKINS, Administrator.

#### TEXTBOOKS ON HISTORY OF THE FEDERAL GOVERNMENT

Mr. LOGAN submitted the following resolution (S. Res. 301), which was referred to the Committee on Education and Labor:

*Resolved*, That a special committee composed of five Senators be appointed by the President of the Senate to consider the feasibility, necessity, and practicability of the printing and distribution, at the expense of the Federal Government, of a textbook, or textbooks, for use in all public, parochial, and private schools in the United States and its Territories and possessions, on the history of our Government, the administration thereof, its essential principles, and the rights and duties of the citizens under the Constitution of the United States; such publication, if undertaken, to be for use in grammar and high schools, and the distribution to be made to the States, Territories, District of Columbia, and possessions of the United States; the distribution among the schools to be made by the States, Territories, District of Columbia, or possessions of the United States, and only upon the request of such State, Territory, district, or possession.

#### PRINTING OF COURT OPINION ON CONSTITUTIONALITY OF EMERGENCY RELIEF APPROPRIATION ACT, 1935

Mr. STEIWER submitted the following resolution (S. Res. 302), which was referred to the Committee on Printing:

*Resolved*, That the Opinion of the United States Court of Appeals for the District of Columbia, No. 6619, in the case of the township of Franklin, etc., et al., appellants, against Rexford G. Tugwell, Administrator, Resettlement Administration, et al., appellees, involving the constitutionality of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, as abridging the reserved rights of the States, be printed as a document, and that 1,000 additional copies be printed for the use of the Senate document room.

#### COLLECTION OF REVENUE FROM INTOXICATING LIQUORS

Mr. HARRISON. Yesterday the Senate passed, with amendments, the bill (H. R. 9185) to insure the collection of the revenue on intoxicating liquor, to provide for the more efficient and economical administration and enforcement of the laws relating to the taxation of intoxicating liquor, and for other purposes.

I now move that the Senate insist on its amendments to the bill, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.



The motion was agreed to; and the Vice President appointed Mr. KING, Mr. BARKLEY, and Mr. CAPPER conferees on the part of the Senate.

#### OPINION OF SUPREME COURT IN THE CUTTEN CASE

Mr. POPE. Mr. President, some weeks ago I addressed the Senate on the commodities-exchange bill and referred to the case of Arthur W. Cutten, which had been heard before the circuit court of appeals and was then on appeal to the Supreme Court of the United States. A few days ago the Supreme Court affirmed the decision of the circuit court of appeals, in effect holding that past offenses under the Grain Futures Act were not a basis for an order by the Secretary of Agriculture, depriving a member of his rights on the board of trade. I ask that the opinion of the Supreme Court be printed in the RECORD as a part of my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[From the United States Law Week of May 19, 1936]

*Henry A. Wallace, Secretary, etc., et al. v. Arthur W. Cutten.* Supreme Court of the United States. No. 747. On writ of certiorari to the Circuit Court of Appeals for the Seventh Circuit.

Wendellberge (Stanley Reed, Solicitor General, John Dickinson, Assistant Attorney General, Hugh B. Cox, Leo F. Tierney, and Kenneth L. Kimble with him on the brief) for petitioners; Francis X. Busch, Orville J. Taylor, and James J. Magner submitted brief for respondent.

#### SYLLABUS BY EDITORIAL STAFF

Grain Futures Act—Trading privileges on contract markets—Power of Commission to suspend trader for past violations of reporting requirements: Findings of the Commission created under the Grain Futures Act that a member of the Chicago Board of Trade had in 1930 and 1931 violated a reporting regulation made pursuant to the act cannot support an order of the Commission directing that all contract markets refuse trading privileges thereon to such trader for a period of 2 years from March 1, 1935, where the complaint against the trader for the violations in 1930 and 1931 was filed in 1934, in view of section 6 (b) of the Grain Futures Act, which authorizes the Commission to make such order only if a trader "is violating" any of its provisions or "is attempting" to manipulate the market price of grain.

#### OPINION OF THE COURT

Mr. Justice Brandeis delivered the opinion of the Court:

Section 6 (b) of the Grain Futures Act, September 21, 1922 (ch. 369, 42 Stat. 998, 1001), provides that if the Secretary of Agriculture has reason to believe that any person "is violating" any provision of the act, or any rules and regulations made pursuant thereto, or "is attempting" to manipulate the market price of grain in violation of the provisions of the act, the Secretary may serve upon the person a complaint stating his charge in that respect and requiring him "to show cause why an order should not be made directing that all contract markets until further notice of the said Commission refuse all trading privileges thereon to such person." The Commission referred to is a board "composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General", before whom the hearing on the complaint is had.

The case is here to review a decree of the United States Circuit Court of Appeals for the Seventh Circuit which set aside an order entered by the Commission under that section. Certiorari was granted (297 U. S. —) on account of the novelty and importance of the question presented.

April 11, 1934, the Secretary of Agriculture caused such a complaint to be served upon Arthur W. Cutten. It recited that during the years 1930 and 1931 he was, and since had been, continuously a member of the Chicago Board of Trade, and that by its regulations made pursuant to the Grain Futures Act he was required "to report to the Grain Futures Administration his net position in futures owned or controlled by him, long or short, by grain and by future, when he had net open commitments in any one future equal to or in excess of 500,000 bushels \* \* \*." And also "daily trades made by him on the board of trade in futures in which he owned or controlled open commitments equal to or in excess of 500,000 bushels."

The complaint alleged further that "during the years 1930 and 1931 (he) conspired and colluded with various persons and grain firms of the board of trade to conceal his trading and position in the market from the Grain Futures Administration. In furtherance of said conspiracy respondent made inaccurate, incorrect, and false reports of his position in the market to the Grain Futures Administration and refused to report accurately and correctly his position in the market and trades made by him", etc.

Then followed, in 44 numbered paragraphs, specifications of Cutten's alleged violations of the regulations and the act on dates between March 6, 1930, and December 31, 1931.

A referee was appointed to take the evidence. The hearings before him began on May 14, 1934. Upon the opening of those proceedings Cutten moved to quash the complaint on the ground that section 6 (b) empowered the Commission to act only against persons who are presently committing offenses; and that, conse-

quently, it had no authority to deny to him trading privileges for violations committed more than 2 years prior to the institution of the proceedings against him.

The referee, without passing upon the motion to quash, proceeded to take the evidence; the hearings before him were concluded May 24, 1934; then the Commission heard the complaint on briefs and oral argument; and before it the motion to quash was renewed.

On February 12, 1935, the Commission overruled the motion, made findings of fact on the evidence, concluded that Cutten's conduct constitutes a violation of the Grain Futures Act and the rules and regulations made pursuant thereto, and ordered that "all contract markets refuse all trading privileges thereon to Arthur W. Cutten for a period of 2 years from March 1, 1935."

This suit was brought to set aside that order. The circuit court of appeals held that the power conferred by section 6 (b) is remedial, not punitive; that it is limited to suspending a trader who "is violating any of the provisions of this act or is attempting to manipulate the market price of any grain"; in other words, one who is presently committing an offense; that at the time of the filing of the complaint there was no wrong existing to be remedied, the latest wrongdoing complained of having occurred more than 2 years before the filing of the complaint by the Secretary of Agriculture; that, therefore, the Commission was without authority to entertain the complaint and should have granted the motion to quash (F. (2d.)).

The Government argues that since violations of the reporting requirements by their very nature cannot be detected during the course of commission, the literal construction thus given to section 6 (b) renders it impractical and ineffective as a means of dealing with those persons who violate any of the provisions of the act or attempt to manipulate the market price of grain. Incidents in the history of the legislation are cited to support the Government's contention.

In reply it is argued that ample remedy is afforded by other provisions of the act; that these confer broad power over boards of trade; and that the boards of trade may control their own members. It is urged that for the construction given to section 6 (b) by the lower court support may be found in the different language employed in section 6 (a).

For it authorizes the Commission to suspend "or to revoke the designation of a board of trade as a 'contract market' upon a showing that such board of trade has failed or is failing to comply" with the requirements prescribed. Attention is also called to the penalty provisions of section 9.

It would be inappropriate for us to discuss these and other arguments presented. The language of section 6 (b) is clear; and, on the face of the statute, there can be no doubt concerning the intention of Congress. As was said in *Iselin v. United States* (270 U. S. 245, 250-251), "the statute was evidently drawn with care. Its language is plain and unambiguous. What the Government asks is not a construction of a statute but, in effect, an enlargement of it by the court, so that what was omitted, presumably (possibly) by inadvertence, may be included within its scope. To supply omissions transcends the judicial function." A fortiori, it may not be done for the purpose of making punishable action which, on the face of the statute, is merely to be prevented. Compare *United States v. Weitzel* (246 U. S. 533, 542-543.)

Affirmed.

#### THE FARM CREDIT PROGRAM—ADDRESS BY SENATOR BURKE

Mr. BROWN. Mr. President, I ask unanimous consent to have printed in the RECORD an illuminating address delivered by the junior Senator from Nebraska [Mr. BURKE] over a Nation-wide hook-up on the 19th instant.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

We have a farm problem. Without a satisfactory solution of that problem there can be no real nor permanent foundation upon which prosperity can rest. For it is recognized by all parties and by those holding all manner of opinions that agriculture is a basic industry. Unless the farmer be reasonably prosperous, there cannot long be prosperity anywhere in the land.

There are many phases of the farm problem. The alarming increase of farm tenantry is one. The plight of the share-cropper demands attention. Protection of the land itself from erosion, depletion, and waste looms large. All of these matters are interrelated. In broad outline they may be grouped under two heads. First, an adequate return to the farmer for his toil. Here we have the perplexing question of surplus crops, the direct bearing of the tariff, the preservation and development of the home market, and kindred subjects. The second major phase of the farm problem has to do with farm credits. It touches mortgage indebtedness, interest rates, short-term production credits, and long-term financing. It is to this branch of the subject, so vital to the farmers' welfare, and in turn to the entire country, that I invite your attention tonight.

The Democratic Party has long been committed to the doctrine that the farmer should be placed upon a footing of equality with those engaged in manufacture, commerce, and trade in securing the necessary capital to carry on his vitally important enterprise. It has consistently favored a program that would accomplish this purpose in the largest possible measure through cooperative borrowing managed and controlled by the farmers themselves.



The progress that has been made along this line reads like a romance. It should be familiar to every citizen. The accomplished fact of a soundly conceived and smoothly functioning system of farmer-controlled credits is an achievement second to none.

Since the Farm Credit Administration was organized in 1933 more than 800,000 farm-mortgage loans have been made. In addition, approximately 300,000 short-term loans have been financed through production-credit associations. Beyond that, more than 1,000,000 farmers with the help of this Federal agency have organized themselves into some 1,200 farmer buying and selling cooperatives and secured loans from the banks for cooperatives set up 3 years ago. More than \$3,000,000,000 is now outstanding and in use as a result of this farmers' cooperative-credit system.

May we take a moment to recall the pledges of the Democratic Party in the matter of farm credits, the fulfillment of which has brought about these immeasurable benefits. In its national platform adopted in 1912, the Democratic Party said:

"Of equal importance with the question of currency reform is the question of rural credits or agricultural finance. Therefore, we recommend that an investigation of agricultural credit societies in foreign countries be made, so that it may be ascertained whether a system of rural credits may be devised suitable to conditions in the United States; and we also favor legislation permitting national banks to loan a reasonable proportion of their funds on real-estate security."

Four years later, in 1916, the Democratic Party was able to point with pride to certain definite accomplishments in the matter of farm credits, and to renew its pledge to further efforts. I quote:

"We favor the vigorous prosecution of investigations and plans to render agriculture more profitable and country life more healthful, comfortable, and attractive, and we believe that this should be a dominant aim of the Nation as well as of the States. With all its recent improvement, farming still lags behind other occupations in development as a business, and the advantages of an advancing civilization have not accrued to rural communities in a fair proportion. Much has been accomplished in this field under the present administration. . . . In the Federal Reserve Act of the last Congress and the Rural Credits Act of the present Congress the machinery has been created which will make credit available to the farmer constantly and readily, placing him at last upon a footing of equality with the merchant and the manufacturer in securing the capital necessary to carry on his enterprises. . . . We approve the Democratic administration for having emphatically directed attention for the first time to the essential interests of agriculture involved in farm marketing and finance, for creating the Office of Markets and Rural Organization in connection with the Department of Agriculture, and for extending the cooperative machinery necessary for conveying information to farmers by means of demonstrations. We favor continued liberal provision not only for the benefit of productions but also for the study and solution of problems of farm marketing and finance and for the extension of existing agencies for improving country life."

It will be worth our while to note what the Democratic Party had to say when it met in 1920, at the close of 8 years of Democratic rule:

"To the great agricultural interests of the country the Democratic Party does not find it necessary to make promises. It already is rich in its record of things actually accomplished. . . . In the first term of this Democratic administration the National Bank Act was so altered as to authorize loans of 5 years' maturity on improved farm lands. Later was established a system of farm-loan banks, from which the borrowings already exceed \$300,000,000 and under which the interest rate to farmers has been so materially reduced as to drive out of business the farm-loan sharks who formerly subsisted by extortion upon the great agricultural interests of the country. Thus it was a Democratic Congress in the administration of a Democratic President which enabled the farmers of America for the first time to obtain credit upon reasonable terms and insured their opportunity for the future development of the Nation's agricultural resources. . . . We pledge prompt and consistent support of sound and effective measures to sustain, amplify, and perfect the rural credits statutes and thus to check and reduce the growth and course of farm tenancy."

In 1924 and again in 1928 the Democratic Party pledged itself "to stimulate by every proper governmental activity the progress of the cooperative marketing movement" and to build upon the foundation already laid by a Democratic administration an adequate rural credits structure.

In its last platform in 1932 the Democratic Party pledged itself to an "extension and development of the farm cooperative movement" and "to better financing of farm mortgages through recognized farm-bank agencies at low rates of interest on an amortization plan, giving preference to credits for the redemption of farms and homes sold under foreclosure."

When the Democratic Party returned to power in 1933, the plight of the American farmer was distressing beyond the power of description. It is estimated that a million farmers were in danger of losing their homes through foreclosure. Prices of farm commodities were at the lowest level of all time. Farm income was less than half of what it had been in 1929. In relation to income, interest charges were twice as high as before the World War. Mortgage loans made for short periods fell due and there was practically no opportunity for renewal. Approximately 40 percent of all the banks in the country had failed. In every group of 1,000 farms over the land 38.8 were under foreclosure. Farmers were approaching open revolt over the threatened loss of their

homes through conditions over which they had no control. It was in this crisis that the Farm Credit Administration was established. It deliberately set itself to the task of staying every farm foreclosure where the farmer had any equity and was willing to do his part to try to work out the problem.

The officers and employees of the Farm Credit Administration worked night and day to handle the situation. From a mere 200 appraisers there was built up a well-trained corps of more than 5,000. In 1932 the Federal land banks were loaning \$2,000,000 a month. By 1934 under the Farm Credit Administration this had been increased so that for every month in that year more than a hundred million dollars went forth to save the farms of the country; yes, to save the Nation itself. As an example of the tremendous task imposed upon the Farm Credit Administration, let me say that in my home district at Omaha, Nebr., which is one of the 12 districts established in the country, in a period of 32 months there were received twice as many applications for loans as in the entire 17 years that preceded.

A word as to what has been accomplished. Whereas in 1932 there had been 38.8 foreclosures for every 1,000 farms in the country, by 1935 this had been reduced to 19. Two billion dollars in land bank and land-bank commissioner loans have been made since May 1, 1933. In making these loans there was a scale-down of the mortgage debts of approximately \$200,000,000, a saving to the farmers of that amount. As a result of debt reduction and lowered interest charges for the year ending June 30, 1936, the farmers of the country will have saved in interest charges during this 1 year almost \$75,000,000. In 1932 it required nearly 10 percent of the gross farm income to pay interest on the farm-mortgage debt. In 1935 the corresponding figure was 4.5 percent. Whereas on December 31, 1933, approximately 47 percent of all Federal land-bank borrowers were delinquent, 2 years later the percentage was reduced to 27.

One great benefit that has followed the establishment of the Farm Credit Administration is that it has concentrated the whole problem of rural credits in one integrated organization. Prior to 1933 the Federal Farm Board was engaged in a limited way in loaning funds to cooperatives for various purposes. Another agency, the Federal farm loan board, had general supervision over the Federal land banks and the joint-stock land banks. Emergency crop, seed, and fertilizer loans were being handled by the Department of Agriculture. Regional agricultural credit corporations were under the Reconstruction Finance Corporation. When a farmer found it necessary to seek credit, he was subjected to great delay, inconvenience, and expense in the effort to find the particular agency to which he should make application.

The first step in remedying this situation was to centralize in the Farm Credit Administration the supervision of all the Federal agencies concerned with farm credit. In order to obtain centralized administration and coordination of activities in each of the 12 Federal land-bank districts, the law was broadened so that the board of directors of each Federal land bank should serve also as directors for the Federal intermediate credit bank, the production credit corporation, and the bank for cooperatives, all located in the same city. It has been the constant aim of the Farm Credit Administration so to readjust the local county units where farmers apply for loans that at one place the entire transaction could be handled, whether it was an application for long-term farm-mortgage credit, short-term production credit, or credit for a cooperative organization.

It is now recognized that the emergency job of refinancing farm mortgages has been completed. With what a full measure of satisfaction that particular emergency problem has been met, I have already sketchily indicated. There remains the normal problem that will continue as long as the present organization of society lasts; that is to say, the furnishing of credit to farmers on satisfactory terms, both as to repayment and interest rate. The Farm Credit Administration is prepared to render that service in a complete and satisfactory manner. Its four coordinate branches cover the entire field of normal rural credits. The Federal land banks are adequately financed and properly officered to meet all the ordinary long-term credit requirements of the farmers of the country on terms at least as favorable as the credit offered to other enterprises.

The production credit corporation makes possible the establishment of a permanent cooperative short-term credit system to function in its field in like manner as the land banks in their long-term loaning field. More than 500 local associations have been set up with officers elected by the borrowers and the initial stock bought by the Government. Nearly 300,000 farmers have now purchased stock in these associations and borrowed from them. The Government does not furnish the money that is loaned. The associations discount farmers' notes with the intermediate-credit banks, which is the third of these four coordinate agencies. In a sense these banks constitute the farmer's Federal reserve system. They accept from the local associations the endorsed farmers' notes and other security given for short-term loans and on the strength of these securities sell short-term bonds to the investing public.

The farmer is now getting production credit at 5 percent per annum, which is by far the lowest rate at which farmers as a class have ever been able to secure credit of this kind. The farmer is not charged for a day's interest beyond the time that he actually has the money. The association agrees to loan a farmer a certain total sum to be advanced as needed. The farmer then withdraws from the association such portion of the total from time to time as he needs, and pays interest only for the time he holds the money.



The fourth agency, the bank of cooperatives, as the name implies, makes loans on proper security to the various farmer cooperatives which are rendering such a great service to producers in marketing their products to the best advantage.

In addition to these various forms of cooperative credit, the Farm Credit Administration has charge of the emergency short-term crop and feed loans to farmers who are unable to obtain credit elsewhere. More than 600,000 of these loans were made in 1933, and more than 400,000 during 1934, and a like number in 1935. After some unfortunate delay, loans of this nature are again being made for the current season.

The pledges which the Democratic Party has made to the farmers of the country to provide an adequate system of rural credits have been kept. The farmer now stands in a position at least of equality with other producers in the matter of his access to credit. A new day has dawned for the farmer. Other phases of the farm problem remain to be settled. In the matter of credit the farmer needs only to hold to what he has, to support those who believe in maintaining the Farm Credit Administration in its present effective form, to meet new credit problems as they arise in the same spirit that the Farm Credit Administration arose to the great emergency that confronted the country in the years that have just passed.

ADDRESS BY SENATOR STEIWER BEFORE THE QUEENS COUNTY (N. Y.)  
REPUBLICAN CLUB

Mr. HALE. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by the junior Senator from Oregon [Mr. STEIWER] before the Queens County Republican Club at Jamaica, Long Island, N. Y., on May 2, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

If you can imagine intricacies made wholly inscrutable and contradiction confounded with confusion, that is the New Deal. In its many ramifications it has been ingrafted upon the Democratic Party, but it is a thing separate and apart from that party. The New Deal truly is made up from the discards of all the old deals. In the space of one political rally I shall not attempt further to define it. We know that its administration presents problems of greatest complexity and involved issues almost beyond human comprehension. Monetary questions, war debts, foreign trade, tariff, and numerous other important subjects confront us. I will not attempt tonight to discuss these great questions but will speak of matters which are currently before the Congress for attention; questions which you will find are close to you and generally vital to the citizens of the American Republic.

Depression causes unemployment. In January 1935 the number of unemployed was 13,000,000. Today the number is in excess of 12,000,000. In January 1935 the President stated that there were 5,000,000 families and unattached persons on relief. Recently his estimate was 5,300,000. The Federal program for employment for these unfortunate fellow citizens and for relief for those who are destitute costs in excess of \$3,000,000,000 per year. It unbalances the Federal Budget. It insures a continuous deficit. It adds in serious amounts to the public debt. Last year the President asked for and received \$4,880,000,000 for relief and work relief. This year he has asked for \$1,500,000,000 in addition, and everyone who knows the situation assumes the Congress must appropriate this amount and probably an equal amount more next January. It is supposed that in normal times approximately 50,000,000 people are gainfully employed in this country. At this time about 40,000,000 who are gainfully employed, through the payment of direct taxes and the payment of indirect taxes concealed in the cost of living, are supporting the 10,000,000 unemployed. I ask a serious question: "What are we going to do to solve this problem and to relieve ourselves of this burden?"

The New Deal attempted to meet it with the N. R. A. Against N. R. A. maladministration the people were almost in open rebellion. Finally it was stricken down by the Supreme Court, and since that time there has been some improvement in employment and increases in wages. Since the N. R. A. has been inoperative the New Deal has been without a program save its program of relief and work relief. Moreover, the New Deal seems incapable of formulating a program. It has degenerated from bad administration of the N. R. A. to bad thinking with respect to present economic objectives. This is illustrated by the President's recent speech in New York in which he said:

"Wages ought to and must go up with prices."

He also said:

"Higher wages for workers, more income for farmers means more goods produced, more and better food eaten, fewer unemployed and lower taxes."

And then he added:

"That is my economic and social philosophy, and, incidentally, my political philosophy as well."

Let us examine these statements of the President's economic, social, and political philosophy. Have wages gone up with prices? It is reliably estimated that while wages were increasing 8 percent the cost of living has increased approximately 20 percent. The President asserted that we are "on our way" to attainment of his objective; but if his objective is to increase real wages, the further we go "on our way", the greater will be the disparity between wages and living costs.

In the second statement quoted the President coupled higher wages for workers with more income for farmers. Both are desirable; but the increased income for farmers, if accomplished by a program of scarcity or by a processing tax, means higher living costs for the consumer and a decrease in real wages for those who work in the cities. He stands for eating more and better food, but more and better food will not be eaten unless more and better food is produced, and the wishful hope that the unemployed will be fewer in number is entirely quixotic if production in agriculture and industry is curtailed by governmental action.

The crowning glory of the President's philosophy as quoted is his declaration for lower taxes. How can there be a hope for lower taxes when we confront a steadily mounting cost of government? How can taxes be lowered when the number of Federal employees is increasing and when the administration actually boasts that it plans a deficit. Lower taxes result from thrift and economy and not from recklessness and spending. You need not expect lower taxes when the White House calls upon Congress at each session to enact a new tax bill rapidly broadening the tax base and inserting the arm of the Federal Treasury deeper and deeper into the pocket of the citizen. Let no one be deceived. These additional taxes will not come from the rich. The volume of Federal spending has already passed beyond the power of the rich to pay. If the Government should confiscate the entire income of the rich, the amount obtained would be insufficient. This burden will be placed upon the people. It fastens itself upon producer and consumer alike. The burden of supporting Federal extravagance is added to the cost of living and becomes a charge upon every man, every woman, and every child, including the "under privileged", the "average man", and even the "forgotten man."

If one would seek the underlying reason for the inefficiency and improvidence of the Federal Government, he need not look beyond the abstruse confusion reflected in this quoted philosophy of the leader of the New Deal.

I have pointed out that our cost of living is up 20 percent. This is not accident. He "planned it that way." Living costs are governed in part by natural economic laws like supply and demand. They are governed in other respects by governmental interference. One factor is the monetary standard. The President reduced the gold content of the dollar. It buys less. Necessities of life cost more. Another factor is governmental interference with production. Curtailment is a full partner with the hurricane and the drought. The consumers of America cannot blame the Republican Party for the new taxes which lie concealed in the cost of living. The responsibility rests on one doorstep and that is the doorstep of the White House.

We go back to the President's philosophy. I quote again his statement regarding wages:

"Wages ought to and must go up with prices."

But wages will not go up with prices when prices are elevated by governmental interference and when profits of industry are insufficient to pay higher wages. The President's asserted philosophy, in the light of the facts, is no philosophy at all. It is an unsupported campaign utterance employed for political purposes.

I now invite your attention to the subject of relief. Work relief, of course, provides temporary employment on made jobs. It is subject to the objection that it is costly, and to the further objection that the administration, in most instances, refuses to pay the prevailing rate of wages in the communities where public-works projects are carried on. This tends to undermine the entire wage structure and is difficult to defend.

The system which is employed lends itself to political abuses which I will not undertake to discuss. A most serious objection to the present program is that whenever the Works Relief Administration does attempt a useful undertaking in contradistinction to its useless, boondoggling projects it finds itself squarely in competition with private industry. To that extent it deprives private industry of an opportunity which it would otherwise enjoy, and in such cases it operates to increase and not to decrease permanent unemployment.

One significant fact stands out, and that is the expenditure of billions of the taxpayers' money under the direction of the President and his aides has failed to reduce in a substantial way the number of unemployed, and the relief load has actually been increased.

Republicans in Congress would like to correct this situation. Some of us fought strenuously against the writing of the \$5,000,000,000 blank check to the President in the last session of Congress. We sought to retain control over the public purse by prescribing the purposes for which the money should be spent and defining definitely the methods of making the expenditure. On most points we were defeated by administration influence. We now renew this fight in connection with the billion-and-a-half appropriation bill now pending before the House of Representatives. The Republican Party does not propose to repudiate the obligation to feed the hungry; but we do propose, as far as it lies in our power, to take politics out of relief. We propose, moreover, to liquidate the Works Progress Administration and to turn over the responsibility for distribution of relief to the States and local agencies. We stand for this principle on the theory that the administration of relief can best be superintended by those who know the local situations. Local interest will police the distribution of the money.

We are standing for State supervision through nonpolitical boards, and I hope we will unite on a proposition that each State must contribute a certain amount to match the contribution of the Federal Government, thus giving the local agencies a real



share in relief and insuring that they accept their responsibility and see to it that the money provided for relief is equitably distributed.

We hope to put an end to the unjust disparity now existing. We especially denounce a system which permits relief in one State to be administered on a basis of less than \$200 per family per year and in other States in amounts which vary from a minimum of \$200 to a maximum of more than \$1,300 per family per year.

Last year I believed—and it is still my belief—that a blank check of \$5,000,000,000 or any other like sum in favor of the Executive is bad legislation. Discretionary authority to expend this money, almost without restraint, is subject to most serious abuses and should never have been delegated to any President, New Deal or Old Deal. We hear of political corruption in the administration of relief in Pennsylvania, of scandals throughout almost the entire area of West Virginia, of indictments in Maine, of unlawful collection of campaign funds in Washington, and of the use of relief money for political purposes almost everywhere throughout the United States. I have seen the comments of your own Victor Ridder in the city of New York. I have read some of the stories published in the New York Sun. These all indicate to me that the situation in your own State is not what it ought to be.

The Republican Party has a right to ask the American people whether they approve the evils of the existing program. We have a right to denounce the wickedness of playing politics with human misery. Let us make our purpose perfectly clear. We will not repudiate the destitute nor starve those who are in need, but we must courageously take our position that public money voted for relief of the destitute shall be employed to feed hungry mouths and not to feed hungry political manipulators working under the direction of Mr. Farley.

This administration was pledged by the 1932 platform to reduce the expenditures of the Federal Government by 25 percent. If you want to calculate the extent to which this pledge remains unfulfilled, look up the recent statement of the Secretary of the Treasury that the deficit for the fiscal year ending June 30, 1936, will be approximately \$6,000,000,000.

Instead of keeping the pledge to reduce expenditures, the expenses of government have been steadily increased and are still being increased by the Federal administration. A feature of this situation which affects you is that the administration has demanded new and additional taxes during each year of its existence. There is pending before the Senate at this time a tax bill containing more than 250 pages made up of technical and complicated provisions. I will not describe this bill except to say its chief effect, if not its purpose, is to place a severe penalty on the retention by corporations of any substantial part of their future earnings. The administration has picked up a stray idea that business institutions no longer should create new reserves.

Somebody evidently thinks thrift is not a virtue and the public interest will be served by compelling corporations to pay out their net earnings year by year. The apparent object is to require that profits should be turned into circulation through the payment of dividends to stockholders and that finally all such profits when so paid should be subject to increased taxation, either through the penalty tax on earnings not paid out or through the income taxes of individual stockholders from whom the exemption of the normal tax has been lifted.

Time does not permit discussion in detail of this strange program. It is very clear that a big corporation which already has established a great surplus will not be definitely injured by the requirement to convert its net profits into dividends. An infant industry or a new corporation which has not had time to build reserves will find it can build reserves only by meeting the severe penalties of the law. In this administration the New Deal advocates have talked much of its friendliness to the little fellow. And yet they sponsor legislation which favors the established corporations at the expense of those not yet established. It is useless to argue that it is prudent to build up a reasonable reserve to provide for the necessities which may arise in times of depression.

The average man would regard a reasonable reserve as a necessary part of sound business administration. President Roosevelt's administration is unrestrained by any consideration of this kind. Moreover, the administration seems to have forgotten some pertinent figures. It has been estimated that during the present depression the corporations of this country paid out in the form of wages, salaries, interest, and dividends from their accumulated surpluses a sum in the neighborhood of \$28,000,000,000 in excess of their receipts. This is approximately equal to the staggering cost of the New Deal up to this date. It is industry's contribution to the welfare of its stockholders and its employees. The possession of these great accumulations contributed to the strength of our system. It aided our people in meeting the strain of hard times. A like surplus would serve us again in another emergency, but the New Deal theorists, under a false guise of social justice and a mistaken belief that they are advancing a humanitarian program, will place obstacles in the road of further accumulations.

As I contemplate these facts, there is only one conclusion, and that is that the untrained and immature manipulators of the New Deal administration are not competent to administer the governmental affairs of the American people.

In the President's speech made in New York a week ago he defends what he calls "the current costs of rebuilding America."

There is a serious question whether the New Deal is rebuilding America or ruthlessly tearing it to pieces, but I pass this question. In his attempt to explain away the staggering burden of cost, the President states that the deficit of the Government this year is—I quote—"about \$3,000,000,000." The Secretary of the Treasury says it is \$6,000,000,000. I have not noticed that anyone has regarded a difference of \$3,000,000,000 between the President and his Secretary of the Treasury as being a matter worthy of any comment. If the President's estimate is correct, the Secretary of the Treasury is 50 percent wrong; and if the estimate of the Secretary of the Treasury is correct, the President is 100 percent wrong. These differences need not be resolved. The Federal deficits each year are not caused by deficiencies in Federal revenues. The revenues are substantially greater than they were prior to the New Deal. The deficits come from a spirit of free and happy spending. The President in his New York speech said:

"I can come here to the city of New York and talk about the cotton problem of Georgia, the corn and hog problem of Iowa, and the wheat problem of the Dakotas, etc."

Permit me also to talk to you about the farms of America. The New Deal appropriations are nearly equivalent to the value of all the farms of the United States. The 4-year cost, direct and indirect, of the Roosevelt administration is reliably estimated as being in excess of \$30,000,000,000. The 1935 value of all the farm land and farm buildings in the United States was between \$32,000,000,000 and \$33,000,000,000. If the American farmers had sold all their farms in 1935 and handed over to the Federal Treasury the proceeds of the sale, less a reasonable commission, the amount paid the Treasury would have been approximately equal to the Federal appropriations under the New Deal. It has been calculated that after the farmers, by this means, had paid the 4-year cost of Government, every farmer would have left on the average about \$27 for his own use; \$27 but no farm.

Now, let us consider that the farmers, to which the President has made reference, had kept their farms and had turned over their gross income in payment of Federal expenses. In that case the entire gross income of all the farms during a 4-year period would not have furnished enough funds to finance the expenditures of the Federal Treasury. The gross income of all farms for 1933, 1934, 1935, and 1936 is estimated between \$29,000,000,000 and \$30,000,000,000. It seems they would have lacked about \$1,000,000,000, which is only one-third of the amount in disagreement between the President and his Secretary of Treasury.

The facts which I have recited merely illustrate the general situation. The complete story of extravagance and inefficiency will never be related in full. America, standing aghast at the revelations already made, must determine upon its course of action. Most numerous remedies will be suggested. A Budget balance is imperatively needed, but equally important is restoration of sanity in Government. The American people have a right to expect a sense of responsibility in all Government officials. We must insist upon efficiency in governmental administration. We must go back to the civil service. We will go forward to a new understanding of our practical problems; and if I estimate correctly the temper of the American people, we will reestablish in this Nation government by law in lieu of the present system of personal government, based on executive discretion. We will unfetter the American economic system. We will employ again the matchless capabilities of the American people, and we will set our hands and minds to the task of reconstruction in a way which will bring a real social security to the men, women, and children who make up our great Republic.

ADDRESS BY HON. JAMES A. FARLEY AT THE HARTFORD (CONN.) CLUB

Mr. MALONEY. Mr. President, I ask unanimous consent to have printed in the RECORD an address delivered by Hon. James A. Farley, chairman of the Democratic National Committee, at a meeting held under the auspices of the Democratic State Central Committee of Connecticut at the Hartford Club, in the city of Hartford, Conn., on May 6, 1936.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

As my purpose tonight is to make a common-sense talk, it is particularly gratifying that I address a Connecticut audience. There are fewer isms, I believe, in this State than in any of our sisterhood of Commonwealths. You are fundamentalists in your political views. By that I mean that however the political tide runs you remain true to your conceptions of the basic principles of democratic government—that is, government founded on the thought that the welfare of the whole people must be the ruling impulse of our system. It was so in the infancy of your great State and it remains so.

I know it is customary on such occasions as this for a speaker to congratulate the people on their good fortune in having fine men to direct the affairs of the State. Let me depart a little from that procedure and congratulate Governor Cross, Senators LONERGAN and MALONEY, Congressmen CITRON, KOPPLEMANN, SMITH, and SHANLEY, and the rest of the officials you have chosen as your high officers and representatives on having such a level-headed constituency to work for and to work with.

Under our form of government you have a dual allegiance—to your country and to your State—and my hat is off to you for your



loyalty to both. The fine part of it is that there is no conflict in your twin allegiance. You have too much wisdom, experience, and wit to believe either that the National Government has any thought to give Connecticut the worst of it, or that Connecticut is entitled to any advantage that would be to the detriment of national well-being and prosperity. You are jealous of your rights and your natural advantages and those that have come through the skill and industry of your citizens—and properly so. You are equally concerned that the National Government, which has to look out for the well-being of all the States, should do its job.

Oh, I know that in this period of political excitement and activity you are being bombarded with hectic oratory from the spokesmen of the minority party, telling you that the administration in Washington is bent on encroaching on State rights; that it is the fiendish purpose of the President to reduce the United States to a dictatorship; to junk the Constitution and to have all business, and, in fact, all individuals goose-step to the music of a regimental band.

Well, you know the President of the United States. He was your next-door neighbor and was always stepping across the border to your hospitable territory. Do you remember anything during his two terms as Governor of New York that suggested a bent toward dictatorship, or toward socialism or communism; for he has been accused by those who seek to regain control of the Government of all of these things? A large number of the people who live here are New Yorkers in business. Every morning and every evening the suburban trains are crowded with folks from my State going to and coming from their shops and offices. The roads are jammed with automobiles carrying people bent on the same mission. In fact, many of the friends I have in New York City have their homes over here, and the way they boast of the beauties of your hills and valleys and beaches tells why they live in Connecticut.

Have you heard any one of these complain that Franklin D. Roosevelt as Governor hurt business in any way? Indeed, I doubt if the whole history of my State shows more successful administrations than the two when Roosevelt was in Albany.

Do you think that your neighbor is a different person, with a different personality and a revolutionized character, because he was moved from Albany to Washington? Isn't it a fact that it was because he had shown himself a great Governor the people of the United States translated him from the house on the Hudson to the house on the Potomac with the idea that he was peculiarly fitted for the bigger post? And hasn't he lived up to specifications and done a job in Washington that the whole world admires—at least, the whole world except those people who want to get another Herbert Hoover into the White House and to undo what he has done? By that I mean that our political adversaries would have us return to the same system that brought us into the gravest economic trouble we ever had, not that they wish to give up the profits they are making now for the losses they were experiencing 3 years ago.

The figures of our trade, commerce, and industry are cold, definite indexes of the existing condition of business. Nobody can dispute them. They present the picture of a headlong dive to the depths of distress, despair, and disaster contrasted with an upward swing. Our progress toward complete recovery is not so abrupt as was the descent, but it has been steady, substantial, and sound. The only thing that could interrupt it would be the rejection of the methods that have brought it about. This is as good a place as any to assure you that there is going to be no such interruption. The President is going to be endorsed in the election next November more decisively than he was voted into office in 1932, and the verdict of the people is going to be confirmed as thoroughly as it was in the congressional elections of 1934. And it is with a full heart that I name Connecticut as one of the States that will contribute to the reelection of Franklin D. Roosevelt.

The criticisms of the tories of 1936 are mere abstractions. They charge him with seeking dictatorial powers. What Presidential functions has he strained? They charge him with making Congress a rubber stamp to register his orders. There is not an enactment which he has recommended that Congress has accepted unless it conformed with the views of a majority. And the most important of the laws passed under the present administration were put on the statute books with the help of Congressmen of opposite political faith from the President. Even those two measures which failed to come within the limitations declared by the Supreme Court were voted for by many Republican Members of the House and Senate—some of them from this State. It is my recollection that practically half the Republican membership voted for one or the other of those bills.

They say this is an administration of dreamers. Well, the men and women who founded this great city 300 years ago were dreamers, too. They dreamed of release from the burdensome laws of another colony and made their own government. Their dream came true, which is why Hartford is today the beautiful, rich community we see around us.

They say he wants to wreck the Constitution. He has been in office for 3 years and the Constitution seems to be standing up fairly well. Incidentally the Hartford founding fathers adopted a constitution suitable doubtless to things as they were then, and conditions as they foresaw them. What sort of a State would Connecticut be today if that constitution was still in force? They say he wants to destroy the Supreme Court! I have yet to hear it suggested that President Roosevelt should appoint enough new members of the Court to give a majority that would validate what the present Court has declared invalid. Yet that has been done in

the past. It was a Republican President who did it. Moreover, there has been hardly a President under whose administration laws have not been passed that the Supreme Court declared unconstitutional. When those things happen there is nothing for the President to do but to propose new measures that will meet the high tribunal's objections. It might be of service to observe that whatever laws President Roosevelt recommended were laws intended to help the people; none of them were for his own advantage or enhancement. Incidentally, it must be recorded that even those enactments which turned out to be unconstitutional helped get things started, and did their part in pulling us out of a dreary hole.

Our adversaries are prone to forget what they said and what they felt a few years ago in regard to the very policies they so emphatically denounce now. Perhaps I might remind you, "lest we forget."

You are fortunate in having in your community a great newspaper. I am sorry that journal does not like this administration, but its news columns, at least, are to be relied on for accurate information. I might, in passing, remark that the Hartford Courant printed a 58-page paper on Sunday, March 5, 1933—when Franklin Roosevelt had just come into the White House. This year its Sunday issue newspaper of March 8 had jumped to 82 pages to accommodate a lot more advertising than it had in the depression time. I congratulate that newspaper, for a prosperous newspaper means a prosperous community. Its progress should give us a fair yardstick with which to estimate the difference the New Deal has made between then and now.

I only cite this particular newspaper because you are naturally familiar with it. The same sort of comparison could be made in almost any city.

For the same reason I wish to call your attention to certain headlines that illustrate the progress business of every kind has made. For example:

In the early months of 1932 your newspaper told you "New construction in State declines sharply in year. Off 65 percent", etc.

"Business at lowest ebb as depression year ends."

"Southern New England Telephone Co. reports decrease of 30,000 telephones over previous year."

"One hundred thirty-one million five hundred thousand dollars loss felt in steel trade."

I could read similar bulletins on the prostrated state of business for an hour, but you undoubtedly remember without further headlines how things were in Connecticut as well as throughout the country when the present administration came into power.

Your newspaper phrased it this way, editorially:

"The hope when 1931 ended that the new year would see recovery well advanced has not been realized, and still another new year opens with the clouds of anxiety undispersed."

But within 3 months after the openings of the next year your newspaper saw signs and hope and hailed the New Deal in this fashion:

"No proposed reform, whether temporary or permanent, but is likely to bring protests from some individuals and from some classes whose personal interests may be affected. Their complaints should not be permitted to impede, much less to halt, the measures designed for the benefit of the great majority. The present is not a time for quibbling over petty details or for disputing over fine points. The President has assumed command of a nation ready to follow him. Willful objectors in the ranks, whether in Congress or out, should be firmly ordered to the rear for the duration of the coming siege."

Now, let us jump to this year. I find during last month such headlines as "A million dollars' worth of tobacco sold here"; "Mutual Life assets gain \$78,529,913"; "U. S. Rubber net best since 1927"; "General Motors February is 7 years' peak."

Still your newspaper refuses to be happy over the administration that has brought about the changes that it so dramatically records in its business headlines and that is reflected in its own prosperity. It is sarcastic in its references to the President's efforts and jeers at the idea that he has sought economy and that the delay in approaching a balanced Budget is due in any part to huge increases in Government obligations involved in enactments due to unforeseen commitments made in spite of him. It is enthusiastic over President Hoover's generalities voiced in speeches in which he is bidding for another nomination, and it concluded a recent editorial in this language:

"The New Deal does not take kindly to any suggestions emanating from Mr. Hoover, but it could immensely profit itself by the things he said in his Colorado speech. A Republican platform built on the solid foundations of that speech ought to appeal to the country."

That is quite all right—if your newspaper believes that Mr. Hoover was a competent and successful President, and that his policies were better and are better—for he has not changed—than the policies which have changed red entries to black on the ledgers of industry.

Let me repeat that I cite one of your home newspapers only because you are familiar with it. I could quote practically every antiadministration newspaper in every large city in the same way. Those headlines, or headlines of the same import, were published in Boston, New York, Chicago, San Francisco, and other big communities, and the conflict between them and the editorial pages was perhaps even greater in these other centers of population.

It is not my job, of course, to edit the newspapers of the country, but I may, I hope, point out that the cold facts of business are of vastly greater significance than the views of some publishers.



Now, the Manufacturers Association of Connecticut can hardly be accused of undue partiality toward the Roosevelt administration, but in its survey of Connecticut industry last month it had to record that factory employment declined by less than the usual seasonal amount; that "freight carloadings showed a further increase on top of the substantial gain made in December"; that "bank debits due individual accounts were 19 percent over the corresponding month last year"; that "the number of new corporations formed and the total capital stock involved showed increases of 29 and 33 percent"; and that "real-estate sales numbered 50 percent more than last year." Over the entire New Haven Railroad this business report shows an advance of more than 50 percent in the loading of building material.

Let us glance for a moment at the business situation right here in Connecticut as reflected in the comparative values of your life- and fire-insurance securities as of today and 1932. The Hartford Courant of January 2, 1933, listed the value of life-insurance stocks at \$124,750,000 and fire-insurance stocks at \$119,300,000, with a total valuation for both stocks at \$244,000,000. On January 6, 1936, the value of these same insurance securities was published again in the Hartford Courant. These figures show the value of the life-insurance stocks at \$247,000,000 and the fire-insurance stocks at \$266,160,000, giving a total valuation of the securities as of that date of \$513,160,000, as against the \$244,000,000 listed on January 2, 1933. In other words, during the past 3 years and under the Roosevelt administration the value of your life- and fire-insurance securities has shown an increase in excess of 100 percent.

I guess that these figures will suffice to emphasize the point I am making. I am no fonder of statistics than I suppose you are, but I do notice in the publication called Business Week that the machine-tool business of New England has been breaking records and that the shoe industry closed one of the best years in its history.

I observe that a great many of the attacks on the administration made in this section of the country refer to the farm legislation, with the implication that the West has been favored over the East. You will perhaps be interested to learn that the shipments of manufactured products from the industrial East to the agricultural States have increased enormously under the present administration. The waybills of all the great railroads record huge figures for this business. Two years after the Roosevelt administration had come in they showed that Connecticut was shipping out manufactured products to the West and South half as big again as they had shipped in 1933. I am not going to bore you with more figures; but you, with your wise Yankee perception, will realize that this increase in your manufacturing business would have been impossible except that the purchasing power of the farmer had been restored to a considerable extent.

It may seem scandalous to those who have not analyzed the situation that a farmer in Nebraska should have been paid something for abstaining from planting his whole acreage to wheat or corn, but when you figure that what he got came to you for the things your factories supply it may not seem so monstrous after all. When the restored purchasing power of the farmer increased the output of your factories 50 percent or more, you must realize that there is really nothing regional in the emergency measures that have taken the whole country out of the red.

Incidentally, your own State of Connecticut received last year nearly a million and a half of the rental and benefit payments under the agricultural bill and nine and a half million dollars was spent on emergency conservation work in the 18 Civilian Conservation camps here, which went largely toward fire protection, forest improvement, soil-erosion control, game and fish conservation, and things of that sort. Your farmers, through the Farm Credit Administration, were enabled to borrow \$9,000,000, and your home owners, through their loan corporation, something over \$44,000,000, and your banks were aided to the extent of nearly \$24,000,000.

These were loans, not gifts. They are secured by the properties involved, just like any other loans and are being paid back in the most satisfactory fashion. As a matter of fact, the Reconstruction Finance Corporation is taking in repayments a whole lot more than it is sending out. I don't know what the exact figures are just now, but the last report I saw on the subject showed that this chief lending agency of the Government had an operating profit of \$126,000,000, which would be a pretty good showing for any corporation.

You have recently been subjected to a flood disaster. It is to prevent or at least minimize the horrors of floods such as this that much of the public-works program is planned to accomplish. Incidentally, many of the small dikes in the headwaters of the rivers are among the projects that our adversaries have classed as among the useless, money-and-time-consuming enterprises that the Works Progress people have undertaken. When the projects against soil erosion and for river control are complete, you will find that these little dams are a vital element in making you safe from a repetition of your recent affliction.

The part played by the C. C. C. boys and other Government agencies in rescues and repairs you know better than I.

We cannot expect anybody to be very enthusiastic over paying more taxes, but in the case of Connecticut the \$6,000,000 increase in the income taxes paid means, to calculate roughly, that some people in Connecticut had an aggregate of perhaps \$125,000,000 more income in 1935 than they had in 1933.

Proportionately, the figures run about the same in all sections of the country, and very naturally the people of the whole Nation are as happy over these conditions as you are here in Hartford. Obviously this cheerful change from what we were going through when Franklin D. Roosevelt came to the White House is not the result of luck or chance or magic. It was the result of deliberate planning by the administration, which inherited a terrific state of national distress and which felt it to be its job to cure that condition.

President Roosevelt began his term with what was perhaps the most courageous act of any administration since the beginning of our history. If you remember, he shut up all the banks. Perhaps the country gasped a bit, but it had faith in him and took the temporary inconvenience with a smile and a cheer. Such was its great relief that somebody had come along with a plan and sufficient backbone to put that plan into effect. In the few years previous to the advent of Roosevelt to the White House there had been 5,000 bank failures. Since he straightened out the banking situation, as I read in a recent speech delivered in Congress, there have been just five Federal bank failures; and, thanks to the Bank Insurance Act, which was part of the program, practically all of these failures were unaccompanied by loss to the depositors.

Our history is full of examples of Yankee courage. The way you New Englanders met the hardships of the recent flood and the cheerfulness with which you remedied the damage is an incident of that proverbial courage. Brave people love brave men. I think that the trait in our President that most appeals to my audience of today is the calm fortitude with which he has met every situation that has arisen since he tackled as tough a problem as ever confronted a President of the United States. He was not flustered when the whole Nation acclaimed him. Nobody has ever seen him rattled because a certain element of our population, greedy for special favors, denounced him as an anarchist and Socialist, and a dictator, and prophesied that not welfare but disaster must result from what he has been doing. He has taken the hurdles as he came to them. Perhaps he has not been successful in every detail of his program. Nobody, not even a great President, can score a hundred percent in performance, but if he scores a hundred percent in intention and turns out to be right 90 percent of the time, he has made his mark in history and in the gratitude of the people.

Sift the criticisms that are being made by the so-called Liberty League and its collateral branches that are seeking to break down the Roosevelt policies and what do they amount to? Absurd generalities, such as that he is seeking to Bolshevize the Government, to destroy business, and other tommyrot of that sort. Undoubtedly, it is very probable that in the distribution of emergency relief to the extent of billions of dollars some small soul got \$4 worth of groceries for nothing when he could have paid for them. Undoubtedly an occasional idler has not performed a full day's work for his relief pay. What of it? Work had to be provided for men and women incapable of digging ditches or driving trucks, but just as subject to hunger and other suffering as the sturdiest among us. Work within their capacity had to be provided, and hence the stories of boondoggling that make up so large a part of the literature and oratory of the administration's enemies. What, I ask you, could be done with a manicure girl out of work, a music teacher without pay and without pupils, an artist with no market for his pictures, an actor or actress unemployed, and thousands of other individuals quite capable of supporting themselves in normal times but destitute of a market for their services in such times as we have been going through? They were given such work as they were accustomed to, and other unfortunates were served by them.

But, as I say, what do these fly specks on the fair canvas on which a statesman has inscribed a wonderful recovery for a shaken people amount to anyway?

The Nation itself knows what has been done. The Nation appreciates that the unceasing effort of its President has brought about these results, and next November you will find that the States of our Union will vote the reelection of Franklin D. Roosevelt, and that among these States will be your own Connecticut.

#### WORK OF HOME OWNERS' LOAN CORPORATION

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter written by Mr. John H. Fahey, Chairman of the Federal Home Loan Bank Board, addressed to Mr. Henry P. Fletcher, chairman of the Republican National Committee. The letter written by Mr. Fahey is a very complete, persuasive, and convincing reply to a statement made yesterday by Mr. Fletcher.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

It is evident that the statements in your press release relative to the work of the Home Owners' Loan Corporation are based upon information conveyed to you which is both incomplete and inaccurate. The result is a series of unfortunate implications which, in the interest of millions of our citizens, as well as thousands of financial institutions, call for correction.

In criticizing the Federal Government for coming to the relief of urban home owners and saving more than a million families from the loss of their homes and eviction, your informant is apparently unaware that the first attempt to do this important work was



undertaken by the Seventy-second Congress with the approval of former President Hoover. The Federal home-loan bank bill, signed July 22, 1932, provided, with the President's approval, for making direct loans to home owners to save their homes. The Federal home-loan banks authorized by this act were not organized, however, until October 15, 1932, and proved wholly inadequate to meet the chaotic conditions which had developed in the urban mortgage field.

The regulations made by the Bank Board to provide for these direct loans to home owners were so onerous they could not be taken advantage of. They allowed advances of but 30 percent of the then depression value of the property in most cases and but 40 percent of that value if the loan could be paid in full in 8 years. Forty-one thousand five hundred and eighty applications were filed for loans under the act. In the entire country but three loans, amounting to a total of but \$9,000, were made, while the cost of handling the applications was \$136,591, or over 15 times the amount of the loans actually made. Two of the three loans made were subsequently taken over by the Home Owners' Loan Corporation and but one is still outstanding.

In the face of this failure foreclosures of mortgages against urban homes meanwhile reached record-breaking heights. They were mounting at the rate of 1,000 a day when President Roosevelt recommended the organization of the Home Owners' Loan Corporation to meet the emergency. The Corporation, under the terms of the Home Owners' Loan Act, signed by the President on June 13, 1933, is administered by the Federal Home Loan Bank Board, a bipartisan board consisting of three Democrats and two Republicans; and in the granting of, as well as the servicing of, loans there has been no discrimination between applicants on the basis of politics, race, or creed. The act was passed by the overwhelming votes of both the Senate and the House, including Republicans and Democrats. In the Senate the act was approved without record of a single dissenting vote. In the House the vote was 383 yeas and but 4 nays. But one dissenting Republican vote was recorded.

Your statement says that "not even Comptroller General McCarl, who supervises the expenditures of all regularly constituted agencies of the Federal Government, has access to these books. He cannot audit a single account." This is not the fact. The work of the Corporation has been carried on within the letter and the spirit of the law. The Comptroller General has full access to all records and accounts of the Corporation. On its own initiative the Corporation enlisted the cooperation and advice of the Comptroller General's office in setting up its forms and machinery for accounting, thus obtaining invaluable aid in providing for easier auditing of the books of account. The Office of the Comptroller General receives our regular statistical reports, is empowered to audit regularly the accounts of the Corporation, and is entirely familiar with our accounting records and procedure. The Corporation submits monthly financial reports and frequent special reports to the Treasury Department and the Bureau of the Budget. It makes regular financial and statistical reports to the Emergency Council for the information of the President. An Executive order of August 5, 1935, provided for a review of all the Corporation's operations and control by the Bureau of the Budget.

Your statement raises the question as to whether our loans have been made to deserving persons—to those clearly in danger of losing their homes. May I say, as to this, that the regular procedure of the Corporation provided that the application of a mortgagor should be supported by a statement of the mortgagee that he was unwilling to renew the loan and felt obliged to foreclose. Under the requirements of the Corporation, the loan file also had to contain evidence that the loan could not be refinanced elsewhere. The truth is that the thousands of savings banks, life-insurance companies, building and loan associations, commercial banks, and other institutions whose mortgages this Corporation took over felt that as trustee institutions they could not under the conditions which existed continue to carry these loans. The fact that more than 800,000 of the applications filed have been rejected by the Corporation, while hundreds of thousands of additional applications obviously ineligible were not even accepted, is conclusive evidence that the Corporation exercised every reasonable precaution to eliminate loans which were not eligible under the law. Not only were competent loan committees set up in every State to pass upon these applications, but in every important center special representatives of the Board from Washington participated in checking of the work of these committees.

As your own statement indicates, it is obvious that private lending institutions would not surrender to this Corporation mortgages which they consider prime loans and which they desired to carry. More than 1,000,000 home owners who have been benefited by the operations of this Corporation are today meeting their obligations on a basis fairly comparable to that of borrowers from private institutions because of the extraordinary improvement in the economic condition of the country and increased employment. Their ability to meet these payments is also influenced by the fact that under the terms of the Home Owners' Loan Act their payments are spread out over a period of 15 years and at an interest rate of 5 percent. This is the most liberal loan on urban homes ever made by any institution in the history of the country.

Your press release further says that you view "the mortgage on the national wealth of the Nation as a 'ball and chain' on every family of the land" and that "these tax-exempt bonds attach to each American household a contingent debt that is variously estimated at figures from \$180 to \$400." The fact is, first, that in refinancing these loans the Corporation obtained reductions on the

claims as filed amounting to over \$200,000,000 and that while when the act was passed it was anticipated that the Government might suffer some loss through the enactment of this relief measure, the prospect is that no losses will ensue.

Might I also point out that if these loans had not been made real-estate values would have continued to decline and the remaining mortgages in the portfolios of our lending institutions, representing the savings of millions of our people, would have declined further in value with most serious consequences. May I also remind you that the Corporation took hundreds of millions of defaulted mortgages out of the closed banks of the country and aided in the distribution of cash to some millions of depositors who were in grave financial difficulties?

You suggest that the Corporation misrepresents the facts in reporting collections on its mortgages. You state that it reports payments of principal and interest "for the month of January 1936 as 90.1 percent of the total amount due" and later admits that as "of February 29 that the total payments of principal and interest received by the Corporation from its borrowers amounted to \$246,735,297, or approximately 73.4 percent of the \$335,669,010 total due." The report to which you refer for the month of January 1936 was issued on February 26, 1936; it stated: "Total receipts of the Corporation from its borrowers amount to \$18,082,000, which is 90.1 percent of the total sum maturing in January on principal and interest accounts and exceeds by nearly \$900,000 the largest amount collected by the Corporation on its loans in any previous month."

You will observe that this statement refers only to the amount of cash received within that particular month compared with the amount which matured for the month. The same statement made it quite clear that the above quotation did not refer to all collections, for it was further explained that "total principal and interest payments due the H. O. L. C. from the time it was created in June 1933 to January 31, 1936, aggregate \$315,244,011, on which approximately 73 percent has been paid, indicating marked improvement over total cumulative receipts from borrowers as of December 31, 1935, when 68 percent of all principal and interest due, since the Corporation's establishment, had been paid." Certainly these are clear statements, referring first to a single month and then to the entire period of operations, which should not have been misunderstood by your informant. We report regularly each month the receipts for the preceding month as turned over to the United States Treasury in cash and also the cumulative receipts from the beginning of collections to the date reported. These figures are made public immediately.

The Home Owners' Loan Corporation was created at a time of great financial distress under the leadership of a Democratic President, but with the overwhelming approval of both Republicans and Democrats. It has dealt with a problem absolutely new to any Federal institution, but it is gratifying to report that with the hearty cooperation and support of the majority of our citizens the Federal Government has turned into order and security what threatened to be disastrous confusion and insecurity not only for individual home owners in distress but for a host of other citizens the safety of whose savings was bound up in mortgage investments through many thousands of our financial institutions.

#### NATIONAL FLOOD CONTROL

The Senate resumed consideration of the bill (H. R. 8455) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

Mr. COPELAND. Mr. President, in preparing the omnibus flood-control bill for presentation to the Senate, the committee undertook to define a policy and formulate a declaration of policy with regard to the control of destructive floods upon the rivers of the United States. I shall refer to this again in a moment, but before doing so I invite attention to the fact that in the projects which are recommended for consideration by the Senate not one is included which has not received the full endorsement of the Board of Army Engineers. Every project enumerated in the bill has been surveyed and given full approval.

Mr. LOGAN. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. LOGAN. Does it include all the projects which have been approved by the Board of Engineers of the War Department?

Mr. COPELAND. It does not include all projects which have been surveyed by the Board of Engineers, and excludes a good many projects where power and other benefits are involved, but which for flood control alone have not been considered meritorious.

Mr. LOGAN. The city of Catlettsburg, in my State, has been very seriously affected by the banks of the river falling in. The district board of Army Engineers have just completed their report which has been sent to headquarters and is probably now in the office of the Board of Engineers. It



recommends, I am informed, \$78,000 to do the necessary work on the banks of the river there to prevent further falling in.

May I ask the Senator if it is possible to have included in the bill a project in the situation in which this one now is, so that it may go to conference? Of course, if it were not approved by the Budget Director and the Board of Engineers it would have to go out. This project has been recommended and the necessity for it is very pressing.

Mr. COPELAND. I said the other day in the Senate that when I got through with this bill I would not have a friend left on the floor, and if I have to lose some friends I do not want to lose the friendship of the Senator from Kentucky [Mr. LOGAN]. However, the fact is we have stood against inclusion in the bill of any project which has not received the full approval of the Board of Army Engineers.

There are many projects which have received the approval of district boards, which are on the way to complete approval, but which have not as yet been passed upon by the board. I am sorry to say to the Senator from Kentucky, and I know he will realize I am sincere in saying I am sorry, that as chairman of the committee I could not consent to the inclusion of the project to which he refers, even though it may be meritorious, unless it has received the favorable consideration and approval of the Board of Army Engineers.

I may say to the Senator that if at some time before the session ends the project is passed upon favorably by the Board of Army Engineers I shall be glad to join the Senator in an effort to have legislation enacted to cover it. If perchance it does not receive such approval before the end of the session, then as soon as it is ready I shall be glad to help him, but I must say for the committee that we cannot accept it at this time.

Mr. LOGAN. Catlettsburg is a city of 5,000 or 6,000 people. In the recent flood about 75 acres of land, and perhaps some houses, fell into the river. One more flood would perhaps take a good part of the city. I know the humanitarian philosophy of the Senator from New York. I had been hopeful that we could get some provision in this particular bill. Then if the Board of Engineers do not approve the project it can go out in conference. That is the only thing I have in mind. I am sure it will be approved by the Board of Army Engineers, as it has been recommended for immediate consideration.

Mr. BARKLEY. Mr. President, will the Senator from New York yield?

Mr. COPELAND. I yield.

Mr. BARKLEY. I wish to say to the Senator from New York in confirmation of what my colleague has said that the situation at Catlettsburg is peculiar. Due to a very sharp bend in the river, the flood waters coming down and beating against one bank have washed away the land, and the situation is such that about one more flood will cut through and destroy an enormous amount of property. That might happen between now and the next session of Congress.

As my colleague has said, the project has been approved by all except the Board of Army Engineers in Washington, and it may now be before them. If the Board of Army Engineers should give its approval to the project before the bill shall have been completed, would the Senator from New York then oppose including the project in the bill?

Mr. COPELAND. I may say to my friends the Senators from Kentucky that it has been my disagreeable duty to object to the inclusion of a project urged upon us by our leader, the senior Senator from Arkansas [Mr. ROBINSON], for Faulkner County, Ark. I have no doubt at all that it would be desirable to give protection to that particular territory, but the project does not receive the support of the Board of Engineers, and they give good reasons for their conclusion.

In the same way the project covering the Big Sandy River in Kentucky has not as yet been passed upon, and I beg Senators not to urge us to ruin the bill by the inclusion in it of projects which are not fully approved. Let us for once have just one bill where we can stand on the platform next fall, if we stand on a platform, and say, "There is no pork in this bill. There is nothing in this bill which has not gone

through the regular procedure. There is nothing in this measure which has not been passed upon by the experts who have been working since the foundation of our Government to protect our country—the Board of Army Engineers."

Mr. BARKLEY. I appreciate the Senator's attitude and am certainly not one who would ruin the bill in the manner suggested. I favor the bill and desire to see it enacted into law. The question I propounded was, If the Board of Army Engineers' report can be obtained before consideration of the bill shall have been concluded, so the report would be official, would there then be any reason for objecting to the inclusion of the project?

Mr. COPELAND. What does the Senator mean by "concluded"? Does he mean if the report comes in tomorrow or next day?

Mr. BARKLEY. I do not know how long consideration of the bill may take, but if the report should come in before the bill is finally voted on, would the Senator then object to the inclusion of the project?

Mr. COPELAND. Before this bill is finally voted on?

Mr. BARKLEY. Yes.

Mr. COPELAND. Certainly if the report should come in with full approval of the project before the bill is finally voted on, I should be glad to have the project included.

Mr. BARKLEY. I thank the Senator. I do not know whether that is probable, but I think it is entirely possible.

Mr. NEELY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from West Virginia?

Mr. COPELAND. I yield.

Mr. NEELY. One might infer from a statement made by the Senator from New York a moment ago that he thinks the proposal to protect West Virginia and Kentucky against the flood tides of the Big Sandy River deserves to be dishonorably designated as "pork." Let me assure the able Senator that the project to which the amendment of the Senator from Kentucky refers is worthy in every respect, and that the people of West Virginia and Kentucky who live near the mouth of the Big Sandy are unquestionably entitled to the protection which the amendment, if adopted, will require the Government to provide them.

Mr. COPELAND. I was giving the category of the charges which might be made, but I certainly did not apply the term "pork" to this particular item.

Mr. President, each Senator will find on his desk a number of committee amendments. In beginning the study of the bill I ask Senators to take committee amendment numbered 1, which they will find on their desks, instead of the bill itself.

The declaration of policy is found on page 54 of the bill. Since the bill was prepared and reported to the Senate there have been conferences between the White House and Senators. The fact has been brought home to those of us who were working on the bill that it is very desirable that not alone should surveys be made of the rivers but also of the watersheds, with a view to the ultimate control and prevention of soil erosion and for the preservation of the forests.

I should like to perfect the declaration of policy as set forth on page 54 of the bill by including, in line 12, after the word "waterways", by inserting the words "including watersheds thereof", and in line 15, after the word "tributaries", by inserting the words "including watersheds thereof."

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 54, in the committee amendment, in line 12, after the word "waterways", it is proposed to insert the words "including watersheds thereof", and in line 15, after the word "tributaries", to insert the words "including watersheds thereof", so as to make the section read:

SECTION 1. It is hereby recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including the erosion of lands, and impairing and obstructing navigation, highways, railroads, and other channels of commerce between the States, constitute a menace to national welfare; that it is the sense of Congress



that flood control on navigable waters or their tributaries is a proper activity of the Federal Government in cooperation with States, their political subdivisions, and localities thereof; that investigations and improvements of rivers and other waterways, including watersheds thereof, for flood-control purposes are in the interest of the general welfare; that the Federal Government should improve or participate in the improvement of navigable waters or their tributaries, including watersheds thereof, for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected.

The amendment to the amendment was agreed to.

Mr. COPELAND. On page 54, section 2, line 24, after the word "Engineers", I move to insert "and Federal investigations of watersheds and measures for run-off and water-flow retardation and soil erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture and supervision of the Chief of the Soil Conservation Service; in line 25, after the word "in", I move to strike out "his" and insert "their"; and on page 55, line 1, after the words "Chief of Engineers", I move to insert "and the Secretary of Agriculture", so as to make the section read:

SEC. 2. That hereafter Federal investigations and improvements of rivers and other waterways for flood control and other purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and water flow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture and supervision of the Chief of the Soil Conservation Service, except as otherwise specifically provided by act of Congress; and that in their reports upon examinations and surveys the Chief of Engineers and the Secretary of Agriculture shall be guided as to flood-control measures by the principles set forth in section 1 in the determination of the Federal interests involved.

The amendment was agreed to.

Mr. COPELAND. Mr. President, section 3 is a controversial section, and I ask that we pass that over for the moment, until those who are interested in the changes may have time to appear.

The PRESIDENT pro tempore. Without objection, section 3 will be passed over temporarily.

Mr. COPELAND. Mr. President, if the Senate will now consider committee amendment no. 2, it relates to page 57 of the bill, the Flood Control Act of 1936. The new language is underlined in the committee amendment as Senators will find it on their desks. Committee amendment no. 2 will read, when perfected, if it is perfected:

On page 57, beginning with line 17, strike out all down to and including line 3 on page 58 and insert in lieu thereof the following:

"SEC. 5. That pursuant to the policy outlined in sections 1 and 3, the following works of improvement, for the benefit of navigation and the control of destructive flood waters and other purposes, are hereby adopted and authorized to be prosecuted, in order of their emergency"—

And this is the new material—

as may be designated by the President—

In short, that the priority of the works to be undertaken in the next fiscal year shall be as may be designated by the President. The remainder of the section is—

under the direction of the Secretary of War and supervision of the Chief of Engineers in accordance with the plans in the respective reports and records hereinafter designated: *Provided*, That penstocks or other similar facilities adapted to possible future use in the development of adequate electric power may be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers.

Mr. VANDENBERG. Mr. President—

Mr. COPELAND. I yield to the Senator from Michigan.

Mr. VANDENBERG. Why is the authority to establish priorities taken away from the Board of Rivers and Harbors Engineers, where it has always been, traditionally and historically, and placed in the hands of the President? What can be said by way of justification for the substitution in respect to this purely technical, engineering expert problem?

Mr. COPELAND. Mr. President, the Senator from Kentucky referred to the fact that I am soft-hearted. Somebody has to be soft-hearted enough to determine which ones of these projects are most meritorious, which are most pressing, which have the greatest human interest. Somebody has to make the decision. I do not think this provision is different from that of the present law, because, according to the practice in the past, the Army Engineers have proceeded, under the direction of the Secretary of War, to establish priorities. The Secretary of War is a member of the President's Cabinet, and I assume that if the President had in his mind any priority he would feel free to say so to the Secretary of War; so I do not think there will be any practical difference whether this language is or is not adopted.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. CLARK. The policy of the Government in its whole development of rivers and harbors, which is very closely analogous to the subject of flood control, has been to put the determination of the technical details and the technical priorities in the hands of the Corps of Engineers of the United States Army, subject, of course, to the action of Congress in enacting legislation, and to the action of the President in signing it.

This amendment, as I see it, is designed to change that salutary process. There are today in existence a number of different agencies, some of them technical and some of them nontechnical, some of them responsible to Congress and some of them not responsible to Congress, which are making recommendations on various schemes and various plans for handling the natural resources of the United States, and protecting the citizens of the United States against such plagues as floods.

The theory on which the Committee on Commerce started to draft this bill, as I think the chairman of the committee will agree, was to put the technical questions of priority in the hands of the body constituted by law with adequate technical knowledge and experience to advise Congress about these matters. It seems to me this provision is a complete change of that policy.

So far as the Corps of Engineers of the Army are concerned, I do not think anyone has ever questioned their technical competence, their honesty, or their general efficiency. I myself have very violently disagreed at times with the recommendations of the Army Engineers, notably their recommendations as to the St. Lawrence waterway; but so far as supplying technical knowledge is concerned and so far as opinions on emergency matters are concerned I think there is no one in the United States comparable to the Army Engineers.

As I see the amendment, it simply amounts to divorcing the Army Engineers from their present legal responsibility to make to Congress recommendations on priorities and emergency matters and on the feasibility of various projects, and putting it in the hands of some commission or several commissions which may be now in existence under general provisions of law, or under general authority granted to the President in emergency acts making appropriations, or otherwise. Some of these organizations are voluntary ones. The amendment divorces the Army Engineers from a function which they now perform for Congress and the President, and which I believe to be a very important function.

From my own standpoint, I have no hesitation in saying that if this amendment should be adopted, instead of the bill accomplishing the purposes which we hope it will accomplish, I have no doubt that the \$50,000,000 which is the subject of a limitation in a later section of the so-called Hayden amendment will be almost exclusively devoted to the States of New York and Pennsylvania, and that the other portions of the country, some of which are visited with two or three floods a year, will, in the order of urgency and emergency, be subordinated to the sections which recently suffered an unprecedented flood, and in which, as one witness testified before the Commerce Committee, it was possible to dramatize the flood situation.



Therefore, so far as I am concerned, I am opposed to the amendment.

Mr. OVERTON. Mr. President, I entertain for the Army Engineers the same admiration expressed by the Senator from Missouri. I think they have a magnificent, an unexcelled, and perhaps an unparalleled record of service to the Federal Government. When, however, we come to consider this bill, it is to be borne in mind that the Chief of Army Engineers has been consulted with reference to every project. As stated by the chairman of the committee, not a single project is incorporated in the bill that has not received the approval of the Army engineers. Therefore the bill undertakes to authorize the projects which have been expressly recommended by the Army Engineers; but the bill is something more than that.

After we have had the benefit of the advice and recommendations of the Army Engineers, the bill also undertakes to provide for emergency projects. Someone should have authority to determine the order of priority in the selection of projects which have already been recommended by the Army Engineers and to determine which ones of those projects shall first go forward.

It seems to me that it would be proper to leave to the President of the United States the question of the determination of emergencies; and when we do so we do not divorce the Army Engineers from their historic relation toward navigable waters. On the contrary, the bill follows the recommendations of the Army Engineers; but it is more than a flood-control-project bill. It is an emergency bill, considered in a period of emergency; and the determination of emergency is a power that is properly lodged with the President, perhaps more so than with the Army Engineers.

Mr. CLARK. Mr. President, will the Senator from New York yield to me for the purpose of offering an amendment to the committee amendment?

Mr. COPELAND. I yield.

Mr. CLARK. I move that the committee amendment be amended by striking out in lines 8 and 9 of the committee print the words "as may be designated by the President", which will leave the amendment to read:

That pursuant to the policy outlined in sections 1 and 3, the following works of improvement, for the benefit of navigation and the control of destructive flood waters and other purposes, are hereby adopted and authorized to be prosecuted, in order of their emergency, under the direction of the Secretary of War and supervision of the Chief of Engineers in accordance with the plans in the respective reports and records hereinafter designated—

And so forth. Mr. President, the effect of the amendment would simply be to leave the primary authority in the body, which, as I said a moment ago, is now constituted by law for the purpose of advising Congress about these matters, namely, the Corps of Engineers of the United States Army.

I do not delude myself, and never have deluded myself, on the proposition that the President of the United States, if he so desires, may always be able to obtain from the War Department or from any other Department of the Government any report which he may wish. That was the reason that I was never willing to accept fully the figures of the engineers on the St. Lawrence proposition. The only effect of my amendment would be to leave the primary responsibility where it now rests, in the Corps of Engineers of the United States Army, to create a presumption, so to speak, in favor of their recommendation. This is the technical arm of the United States Government so far as these matters are concerned.

It should be remembered that the bill before us is in the form of an organic act, for the first time in our history defining the policy as to flood control on anything else except the Mississippi River, the Sacramento River, and a lake down in Florida. It is proposed to put into this organic measure machinery exactly comparable to that which for many years has been very happily and very successfully reposed in the Corps of Army Engineers under the River and Harbor Act.

I cannot for the life of me understand any argument which has been advanced in behalf of the principle of

transferring this authority as a primary proposition from the Corps of Army Engineers. No one can question that the placing of this authority in the Corps of Army Engineers has worked most successfully and most economically for the Government in the case of rivers and harbors. Nobody has yet stood on this floor or anywhere else publicly and questioned the efficiency of the Corps of Army Engineers. Yet this proposal is brought in for the purpose of sidetracking the recommendations of the Corps of Army Engineers and putting the authority into the hands of some sort of a commission or board, nobody knows how constituted or of whom composed. I cannot see any argument for any such measure.

Mr. VANDENBERG. Mr. President, I completely concur in the statement made by the Senator from Missouri [Mr. CLARK]. When we got away from the old "pork barrel" method of making river and harbor appropriations, the very essence of the lump-sum appropriation was the commitment to the Board of Rivers and Harbors Engineers of the determination of priorities and allocations, because under the new procedure the necessity for an independent, non-political, unprejudiced decision as to priorities is the primary essential of the entire system. That system has demonstrated its vitality and its virtue year after year after year, and no one ever heard a suspicion or a remote challenge against the type of decision made by the Board of Army Engineers in respect to priorities.

It is now proposed to transfer the power to determine priorities from an expert arm of the Government to a political arm of the Government, which would be a direct step back in the direction of "pork barrel" legislation in connection with appropriations of this character.

I most emphatically support the amendment submitted by the Senator from Missouri.

Mr. GUFFEY. Mr. President, I am for the amendment as originally reported by the committee, and I am sorry I cannot agree with the position taken by the senior Senator from Missouri [Mr. CLARK]. I am for the committee amendment on account of the historic record of the Corps of Army Engineers, and at the outset I want to bear witness to the honesty and integrity of the Engineer Corps. Two hundred and eighteen years ago the construction of levees to take care of flood waters after the waters reached the streams was inaugurated. Never from that time until last year did the Corps of Army Engineers ever try to provide a means of taking care of the flood waters before they got into the streams, and during that time 50,000,000 acres of our best soil have been washed into the Gulf of Mexico, and 50,000,000 acres of soil are well on the way out. Therefore I think it is time that we have someone else to sit in and help the Engineer Corps in this work.

Mr. CLARK. Mr. President, the Senator undoubtedly knows that for years the Army Engineers have been advocating a system of reservoirs on the headwaters of the various streams tributary to the main stream of the Mississippi for the purpose of preventing floods. The Senator undoubtedly is familiar with the fact that in the recent disastrous and unprecedented flood, particularly with regard to the Connecticut River, the reservoirs which had been constructed in the last few years up toward the heads of the tributary streams flowing into the Connecticut River, according to all accounts, tremendously minimized and cut down to a small percentage the damages which would have occurred without the works recommended by the Army Engineers.

Mr. GUFFEY. I am sorry I cannot agree with the Senator from Missouri in his statement of the historic facts.

Mr. CLARK. The works are in existence, are they not?

Mr. GUFFEY. Where are they? What public works, what dams relating to flood control, built by the Army Engineers, are in existence?

Mr. CLARK. There are a good many works toward the headwaters of the rivers.

Mr. GUFFEY. Will the Senator name some?

Mr. CLARK. I am not familiar with the names or the locations. Universally the testimony before the Committee



on Commerce, as far as I can recall—and if I am in error I should be glad to have the Senator point out my mistake—has been to the effect that the reservoirs built under the supervision of the Army Engineers, particularly in the Connecticut Valley, tremendously minimized the damages due to the last disastrous flood.

Mr. GUFFEY. I agree that they minimize the floods, but all the surveys which have been made, all the surveys in western Pennsylvania and of the waters of the Ohio River, have been made on the request of Congress, and not at the instance of anybody else. We spent over \$100,000 in having the surveys made. My point is that the Army Engineers never yet have advocated a policy or done anything to formulate a policy of flood control or of taking care of the flood waters before they reach the rivers, and I think it is time that soil erosion and reforestation should be taken into consideration in connection with formulating a policy of flood control.

Mr. CLARK. Mr. President, no sane man, I assume, minimizes the importance of the subject of soil erosion and deforestation, and the other intimately connected problems, and their effect on the flood-control problem. It is only fair to say that, so far as the last disastrous flood, an unprecedented flood, which is relied on to dramatize the pending bill as an emergency measure, is concerned, the testimony before the Committee on Commerce was to the effect that no amount of soil-erosion protection or of protection against deforestation would have served to prevent that particular flood, because the condition of the ground was such—the ground had been frozen to such an unprecedented depth—that there was no chance for the water to permeate the ground, and therefore it necessarily had to run off.

In response to what the Senator from Pennsylvania has said, I desire to emphasize the fact that the Corps of Army Engineers has for many years urged a comprehensive scheme of a combination of reservoirs and levees as a protection against floods. To be sure, when it comes to the question of the lower Mississippi River, the main stem of that river and the main stems of certain other rivers in the United States, when a flood starts it is too late to do anything by reservoir control, and it is absolutely necessary to establish either levees or floodways, such as were provided for in the last Flood Control Act. But in defense of the Corps of Army Engineers, let me say that their responsible heads for years have advocated reservoirs adjacent to the headwaters of the tributary streams and of the main streams for the purpose of diminishing as far as possible the volume of water which at any particular time comes into the channel of the main stream. They have also recognized, and properly recognized, that when the water had actually come into the channel of the main stream, it would be necessary to have levees or floodways or other protection.

I believe it is not fair to say simply because the question of soil erosion, the question of deforestation, and other questions may properly enter into the general consideration of the subject of flood control, that in an emergency matter of this sort—and the only justification for the passage of the bill at this time is that it deals with an emergency matter—the determination of priorities and the determination of degrees of emergency should be removed from the technical arm of the Government constituted particularly for the purpose of passing on those matters and be put into the hands of some unknown agency, of whose composition no one in this body at this moment has any knowledge.

Mr. McNARY. Mr. President, I share the view of the distinguished Senator from Michigan [Mr. VANDENBERG] and the senior Senator from Missouri [Mr. CLARK] in opposition to the committee amendment. I desire to ask the Senator from Pennsylvania [Mr. GUFFEY] where he would at present go to obtain information if he did not go to the Board of Army Engineers? What is the avenue of access upon which he can predicate an opinion, unless it be the data from the Board of Army Engineers, obtained after a careful survey? If that be the case, why transfer the power to the President?

The truth of the matter is that one of the great mistakes, which, in my judgment, history will record in matters of gov-

ernment, is the transfer of too many powers to the President. It is not humanly possible for him or anyone who may follow him to exercise the responsibilities which have been imposed upon him. It is not fair to the President, and I doubt, if he were consulted, that he would agree with this committee amendment.

There is only one agency of government which has the ability, the experience, and the facilities to determine emergency in matters of this kind, and that is the Board of Army Engineers. I ask the Senator from Pennsylvania, who is responsible for the amendment, if he will answer the simple question, What is the purpose of transferring this responsibility to the President, when he does not know a thing in the world about a flood-control situation, or of the rivers which probably ought to be harnessed so that they will not destroy life and property? I pose that question to the Senator from Pennsylvania.

Mr. GUFFEY. As a result of the work done by the Soil Conservation Service and the Reforestation Service, they have available records and data which apparently the Board of Army Engineers does not use. I shall consult those two Services. I find their report on the Mississippi Valley reforestation and conservation is the best report I have ever seen published by any branch of the Federal Government.

Mr. McNARY. Mr. President, that is a new agency recently created by an Executive order, based probably upon a statute of Congress, and that agency does not have anything of a substantial nature in its possession. In any event, whatever views it may have, it must obtain the information on which to base them from the Army Engineers.

I wish to say to the distinguished Senator from Pennsylvania that, in my judgment, he is doing his party and the leader of his party an injustice by imposing upon him a responsibility which he cannot carry, which he should not share, and which, in my opinion, he does not want. I think it would be a great error in a matter of this kind, after the careful consideration that has been given to flood control by the Army Engineers, to attempt through the President or any board to say what are the streams which should be first controlled and harnessed. That is a matter which must be determined after the most careful consideration of facts, inspection, and study; and there is only one agency prepared to do that.

Consider the great work, Mr. President, which the Board of Army Engineers has done with respect to the improvement of our rivers and harbors. Has the President ever desired that responsibility? Has the Congress ever decided that it should thrust on the Executive the responsibility to determine how the money should be expended, and what harbors and what rivers should first be improved? It is not even a delightful thought or pleasant dream. I say to the Senator proposing this amendment that if it shall be agreed to it will, in my judgment, result in a maladministration of the purpose of the act; it will be unjust to the President, and therefore it should not be considered favorably by this body.

Mr. HAYDEN. Mr. President, I am perhaps in a measure responsible for the suggestion contained in the amendment, and it was made in consideration of the fact that flood-control projects from now on are to be examined by two departments of the Government. The watersheds above the dams to be built are to be examined and reported upon by the Department of Agriculture. Everyone knows that the Department of Agriculture is best equipped with bureaus which can furnish the Congress with proper and adequate information in respect to the prevention by various methods and means of floods upon the watersheds.

There is in the Department of Agriculture the Soil Conservation Service that can go anywhere, to any part of a watershed, and make an examination. Its activities are not confined merely to Federal lands or other reserves. The preliminary studies undoubtedly should be made by the Soil Conservation Service, but if it shall be determined that upon a given watershed reforestation is the proper method to prevent floods, the Forest Service would naturally be called upon to give advice and actually to attend to the planting of trees or other vegetative cover.



In connection with any structures where lake levels are disturbed or where reservoirs are to be built the wildlife in the area must be considered. There is in the Department of Agriculture the Biological Survey which can be consulted with respect to the effect upon wildlife by reason of the changes that are to be made in the watershed. The same thing is true of other bureaus of that great Department in respect to different matters in the drainage area above any dam to be built in any stream.

Every Senator, I am sure, will agree that if it is found impossible to retain the rainfall on the watersheds by reforestation, by the planting of grasses, or by any other method which the Soil Conservation Service or the Forest Service can devise, and that in order to protect life and property lower down it is ultimately necessary to build dams, then the proper authority to build such structures for flood control is the Corps of Engineers in the War Department.

So this bill, if it shall pass in the form in which I think it ought to be enacted, will properly divide those two functions. The Secretary of Agriculture will report to Congress upon what shall be done upon the watersheds of streams to retain the rainfall, and the Secretary of War, using the Board of Army Engineers as the source of his information, will report to Congress as to what should be done with respect to the construction of dams or levees or floodways or whatever is necessary to remove the menace of destructive floods.

I now desire to lay down the premise which I think makes it sound for the pending legislation to require the President finally to pass upon the question of what work shall be done and in what order. Two departments of the Government make their reports. The reports come in separately and may not give to Congress a proper, coordinated view of the problem. The Chief Executive is head of all the departments. He is the Commander in Chief of the Army. He appoints the Secretary of Agriculture, and the Secretary of Agriculture is responsible to him. If a great project is to be undertaken to control the floods in an extensive watershed, is it anything but reasonable to say that these two departments, having studied the problem and having arrived at their independent conclusions, should not both of them submit the entire matter to the President and let him transmit the information to Congress with such further suggestions as he may deem it proper to make?

Title II of the bill provides for the creation of a National Resources Board, which is to be a general staff for the study of all the problems relating to the wisest and best use of our national resources. That board would act as advisers to the President in cases of this kind.

The provisions of title II have been very carefully drawn. The National Resources Board will not actually undertake any work and should not, any more than would the General Staff of the Army, send out one of its officers to take command of a regiment in an action. If the bill shall become law, the President will have advisers to whom he may refer recommendations relating to flood control that come up from the Departments of War and Agriculture to see how they fit into a broad policy of developing and conserving our natural resources.

That being the case, and flood control being no longer something to be cared for by just one department, and in just one way, it seems to me perfectly proper for the bill to provide that the President shall have something to say about the recommendations to Congress as to what shall be done and when it shall be done.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. VANDENBERG. May I call the Senator's attention to the fact that it seems to me his observations are not pertinent to the immediate amendment pending? I cordially agree with him that it has been wise to add this enlarged consideration in connection with the determination of what the technical answer ought to be for the flood challenge when it is once identified. I agree also that if recommendations are to be transmitted to Congress, and that is what the

Senator is constantly referring to, necessarily they must head up somewhere before they come to Congress when they are coming from two separate sources. However, I call the Senator's attention to the fact that the amendment relates solely to the question of who is to determine the priority of the emergency. It has not anything to do with the determination of what the answer is to be. It has solely to do with the question of who is to say that \$50,000,000 shall be spent this year in actual work upon \$300,000,000 or \$400,000,000 worth of authorizations. The Senator from Missouri and myself are asserting that that has nothing whatever to do with the argument which the Senator has been presenting, and relates solely to an independent, unprejudiced expert decision as to relative emergency in respect to the flood situation itself.

Mr. HAYDEN. Let us see if there is any greater difference than that between tweedledum and tweedledee.

Mr. VANDENBERG. I think there is a tremendous difference.

Mr. HAYDEN. Very well. This bill carries authorizations, if I remember correctly, for some \$315,000,000 worth of work to be done; projects totaling that sum are authorized to be constructed by this bill. Nobody proposes that the entire \$315,000,000 shall be appropriated by the Congress at this session or any other one session. So the total must be broken down; and the proposal is to appropriate money for \$50,000,000 of the authorizations in 1 year. How in any normal situation does Congress operate where a broad authorization has been provided and we intend to appropriate only a part of it? The President exercises his discretion by sending up Budget estimates for the part of the work he thinks should be done out of the total authorization.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. VANDENBERG. Does the Senator mean to say that under the existing procedure in the designation of river and harbor projects the Board of Rivers and Harbors Engineers do not determine the priority?

Mr. HAYDEN. I say that there will be no money appropriated by Congress under the authorizations contained in this bill except for projects that come to the Congress in the form of a Budget estimate. That is certain.

Mr. VANDENBERG. Well, the Budget estimate is not conclusive as to projects included within it.

Mr. HAYDEN. That may be true.

Mr. VANDENBERG. Who makes the determination? Is it not the Board of Rivers and Harbors Engineers?

Mr. HAYDEN. The Corps of Engineers will submit to the Budget certain estimates as they will submit recommendations to the President, in the event that this bill becomes a law. It is just as broad as it is long, and it does not make a particle of difference which way the Army Engineers go about it.

Mr. VANDENBERG. If the Senator is indifferent, why change the procedure?

Mr. HAYDEN. I say that, after all, the President of the United States, being responsible for his Budget, will transmit to Congress estimates for \$50,000,000 out of the authorization of some \$315,000,000, and Congress will have to pass upon the Budget estimates which the President submits. If Congress is to establish the principle that hereafter the President shall be consulted about flood-control projects, why object to putting that same principle into effect now? Why take away from the President the power to make any decision whatsoever as to what ought to be done under an act of Congress of this character which he helps to make a law by his final approval?

It seems to me that there is no material difference as to method of approach, whether the Congress shall say that the President shall designate the projects formally in one kind of report or whether he shall make his designations through his Budget estimate. The whole question is, Is it right and proper for the President of the United States, being responsible for his Budget, to have anything to say about a flood-control project?



It is provided in the bill elsewhere that more than one department is to pass upon these projects, and the Senator agrees with me that, in that situation, the recommendation should be headed up by the President. I do not believe that we are putting any burden upon the President of the United States that he does not want, nor do I think that Congress is conferring upon him any authority that he should not have. It is his responsibility, as the guardian of the finances of the United States, to see that proper estimates are submitted to Congress which will accomplish adequate and substantial results. How can the President carry out that responsibility if it is provided by law that somebody may come around by the back door and select projects that the President knows nothing about, and that if he sends up a Budget estimate the Congress shall not pay any attention to it? That would not be a consistent policy. If we are going to adopt in this bill the proposal that the President of the United States shall obtain information from two departments and from any other source he deems desirable with respect to flood control, in order that the problem may be considered in its relation to all of our natural resources, why hesitate now to give that discretion to the President?

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Louisiana?

Mr. HAYDEN. I yield.

Mr. OVERTON. The Senator from Michigan states that this amendment will convert this bill from a regular flood-control bill into a "pork barrel" bill because the President will have authority to select the order of precedence in which the projects shall be executed. The Senator contends that this order of precedence should be determined by the Board of Rivers and Harbors Engineers.

Let me call the attention of the Senator from Arizona to a provision in the bill. In the first place, there is not a single project that has not already received the sanction of the Army Engineers. How, then, under the theory of the Senator from Michigan, can it be said to be a "pork barrel" bill, or how can it be converted into a "pork barrel" bill when every single project in the bill has already received the sanction of the Army Engineers?

Mr. HAYDEN. Mr. President, if the Senator will yield, I will say that is what I thought was the great strength of the report made by the Senator from New York. As chairman of the Committee on Commerce, the Senator from New York insisted and the Committee on Commerce insisted that no project be included in this bill that had not been thoroughly investigated and approved by the Corps of Engineers.

Mr. OVERTON. I think that was a wise conclusion. Then, the execution of the projects is still left to the Secretary of War and the Army engineers. They are not divorced from this flood-control work in any sense.

Mr. HAYDEN. And should not be.

Mr. OVERTON. They have come before the committee and, in effect, perfected the bill; and when it shall become enacted into law, they are going to execute the projects. The only question to be determined by this amendment is in this period of emergency, when we can devote only a certain portion of the contemplated appropriation to carry out all these projects, is it not wise and proper that someone in authority should be selected—to do what? Not to select the projects that go into the bill, not to execute them, but to determine the order in which they shall be constructed. That is all this amendment means.

Mr. HAYDEN. It seems to me that it is but the part of common sense that what the Senator from Louisiana has suggested should be carried out.

Mr. FLETCHER. Mr. President, may I suggest that the bill includes something more than river and harbor improvements? It involves another question, namely, flood control, which has relation to erosion, conservation, and other matters which the Senator has not mentioned.

Mr. HAYDEN. Those are important factors which the Senate should consider.

This is the first time in the history of any Congress that legislation has been proposed to control floods on nonnaviga-

ble streams; this is the first time that there has been a distinct legislative recognition that the Federal Government has an obligation to perform in saving lives and property where commerce is not the essential element. In other words, Congress takes into consideration not only great streams which near their mouths are navigable but also consider their tributaries, because of a sound realization that the watersheds above are actually the source of the floods that do the damage farther down.

Having recognized a new principle, why not start out on that basis and proceed in the right way by getting all the properly considered and coordinated information that can be acquired and have it sent to Congress to be properly evaluated? I think it was wise to designate two executive departments—the Department of Agriculture and the Department of War—because those departments are the best-qualified agencies of the Government to make a fair and comprehensive study of a problem of this kind. But if in the circumstances of any case it is necessary to go outside either one of the two departments and get further information as to what should be done, should the Congress be denied access to all of the facts by not permitting the President to seek further information where he may see fit and to transmit his findings to the Senate and the House of Representatives? There must be unity of command in order to win the great battle against floods which menace the lives and the property of hundreds of thousands of the American people.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. CLARK. Would the Senator desire an amendment adopted to the present permanent Rivers and Harbors Act which would transfer that activity also from the Corps of Army Engineers and put it in the discretion of some board that the President may appoint, with or without authority of law?

Mr. HAYDEN. No.

Mr. CLARK. Certainly, the subject of flood control is much more vital and comes much nearer the daily lives of our citizens than does the matter of river and harbors, important as that is.

Mr. HAYDEN. That is just the reason why it is not necessary to adopt any new system with respect to rivers and harbors, because, after all, that work is a minor matter as compared to the broad problem of flood control.

Mr. CLARK. Of course, the whole proposal of the Senator from Arizona is entirely novel. It was not thought of by my distinguished friend from New York [Mr. COPELAND], the chairman of the committee, or by my distinguished friend from Louisiana [Mr. OVERTON], who has just spoken in favor of it, during the lengthy and extended consideration of this measure before the Senate Committee on Commerce. It was apparently never thought of until last Saturday morning at 11 o'clock, when the Senator from Arizona, my good friend, appeared and pulled out of his pocket a printed amendment which nobody on the committee had ever before seen.

Mr. HAYDEN. I beg the Senator's pardon. The amendment was not printed until after the chairman of the Committee on Commerce had had ample opportunity to examine it.

Mr. CLARK. I have no disposition to criticize the printing of the amendment. The point I desire to emphasize was that the bill had been reported out of the committee some 2 weeks before, and nobody had ever seen this new model scheme until the Senator from Arizona appeared with it last Saturday morning at 11 o'clock, and then and there it was suggested as a new panacea for all ills.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. CLARK. The Senator from Arizona has the floor. The amendment was reported out of the committee that morning on the statement of the Senator from Arizona.

Mr. ROBINSON. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield the floor.

Mr. ROBINSON. I will take the floor myself unless the Senator from Missouri wants it.



Mr. CLARK. I have no desire to occupy the floor. I shall be glad to have the Senator from Arkansas take it.

Mr. NORRIS. When other Senators are through with it, I will take it.

Mr. ROBINSON. Mr. President, I should like to reply to something the Senator from Missouri [Mr. CLARK] has just said. He will recall, I am sure, that early in the consideration of the bill I appeared before the committee and discussed certain features of the bill and certain amendments, and also in a general way the substance of the amendment which the Senator from Arizona [Mr. HAYDEN] has submitted.

I think it is fair to say that at my request the Senator from Arizona actively interested himself in the subject matter of an amendment which included not only the pending provision but a number of other amendments having relationship to the conservation of soil and of forests and the development of power. The subject was mentioned in a radiogram I received from the President and to which I made reference during the course of my remarks before the committee. Therefore, it is not a new proposition at all in the sense the Senator from Missouri inferred. It is a subject which has required some little time for collaboration and consideration.

On the point of the amendment immediately under consideration, the President after all is the Chief Executive of the Nation. As the Senator from Arizona [Mr. HAYDEN] and the Senator from Louisiana [Mr. OVERTON] have clearly pointed out, he has a large measure of responsibility. The officers constituting the Board of Engineers and the Chief of Engineers himself are subordinate. It has been our custom, where discretion is imposed in legislation, to vest that discretion in the President, in order that we might have the advantage of the services of all the subordinate departments, bureaus, and agencies which might be concerned in the carrying out of the legislation. We have not vested the Board of Engineers with discretion, as a rule, to determine the priority of projects. They have made surveys of all the projects in the bill and of a large number of projects which are not in the bill. There is no reason, in my judgment, that can be urged for vesting in a subordinate discretion as to priority.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. CLARK. On the same principle just enunciated by the Senator, there is no justification for entrusting \$1,500,000,000 in the hands of the W. P. A. rather than in the hands of the President of the United States, is there? The head of the W. P. A. is a subordinate.

Mr. ROBINSON. What we actually do is to make the appropriation allotable at the discretion of the President. When we passed the \$4,800,000,000 bill—

Mr. CLARK. But I am not speaking of that measure. I am speaking of the pending measure.

Mr. ROBINSON. We have not passed the relief measure as yet. As a matter of fact, it has not been reported by the Appropriations Committee.

When we passed the \$4,800,000,000 appropriation, we did vest authority in the President. We did not vest it in the head of the Relief Administration or in the head of the Public Works Administration. I respectfully submit that it is sound policy, where discretion on large national matters is involved, to vest it in the Chief Executive rather than in a subordinate.

Mr. CLARK. Will the Senator adhere to that policy when the relief appropriation bill comes before the Senate?

Mr. ROBINSON. The Senator from Arkansas will not preclude himself as to future legislation.

Mr. CLARK. Will the Senator be kind enough to answer my question directly? Will the Senator from Arkansas be willing, assuming the Senate committee should adopt the policy of the House of Representatives as set forth in the measure, to follow that policy and vest the authority in the hands of the President of the United States rather than in the hands of the director of the W. P. A.?

Mr. ROBINSON. I have stated the general principle. I do not preclude myself from taking any action respecting future legislation that I believe to be helpful and just to the country. I see no reason for departing from the rule which we established last year when we passed the very large appropriation bill and gave the President the power to make allotments out of the appropriations thus made.

The Senator from Missouri, I assume, would not wish to bind me to vote in a particular way touching a bill which has not as yet been reported to the Senate, merely in an effort to embarrass me with respect to an argument he is otherwise unable to answer. When the bill comes before the Senate, I shall do what I think is right. My preference is to vest discretion as to the allotment of appropriations in the Chief Executive rather than in a subordinate.

Mr. CLARK. Mr. President, my distinguished and particular friend from Arkansas, the majority leader in this body, is trying today to pursue a policy in which he is very adept, that of holding with the hare and running with the hounds. In other words, he declines to state whether he believes the policy which he just enunciated with regard to flood control should be followed with regard to relief.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. CLARK. I shall be very glad to yield to the Senator. I shall accord him a courtesy which he did not accord to me. I shall not interrupt him while he is answering my question or asking his own.

Mr. ROBINSON. The Senator may interrupt me, of course.

Does the Senator think that statement is borne out by the facts? The Senator endeavored to commit me as to how I would vote on a certain proposition when it came before the Senate. I stated as frankly and clearly as I am capable of doing that my purpose is to vest discretion in the Chief Executive rather than in a subordinate. I must ask the Senator not to undertake to have me swear that I am going to vote a particular way when a bill comes before the Senate.

Mr. CLARK. I have no desire on earth to embarrass my friend from Arkansas. He stated with great particularity and great force a general principle. Then, when I asked whether he would apply that general principle to the most important bill which will probably come before the Senate at this session of Congress, he began to quibble and say the bill had not been reported from the committee, intimated that he did not know what was in the House bill, and declined to be committed and said I was trying to embarrass him.

Mr. ROBINSON. Mr. President, will the Senator let me ask another question at that point?

Mr. CLARK. I am glad to yield to the Senator from Arkansas.

Mr. ROBINSON. The Senator from Missouri does recognize then, as to the bill to which he last referred, the relief-appropriation bill, the principle which I announced in connection with the flood-control bill, namely, that the discretion ought to be vested, if vested at all, not in an inferior officer, but in the Chief Executive; so the Senator is blowing hot and cold on the proposition. I announced the general principle and my readiness to adhere to it, and now he announces a general principle as to one bill and seeks to repudiate it as to the bill now pending before the Senate.

Mr. CLARK. I recognize no such things. As a matter of fact—

Mr. ROBINSON. Mr. President, will the Senator yield to a further question?

Mr. CLARK. I shall be glad to answer the Senator's questions one at a time. I should like to answer the question already propounded before he asks another one. However, I yield.

Mr. ROBINSON. The Senator can answer both questions at the same time. Does not the Senator think he has disclosed a considerable talent for "adeptness" touching the proposition pertaining to legislation?

Mr. CLARK. The proposition is very simple. The question of whether Congress in granting lump-sum appropriations of a purely emergency character, ostensibly for relief,



is one proposition. The question of granting appropriations for public works for the purpose of preventing such recurrent scourges as the destructive floods which have taken place in this country is an entirely different one. A lump-sum appropriation this year is a proposition which I very much deplore, because I had hoped that after 3 years of lump-sum emergency appropriations the time might have come when appropriations such as are necessary for relief and other public works might be handled on an ordinary budgetary basis; but if there is to be a lump-sum appropriation made this year, as I am certain there is to be, then I assert that discretion should be in the hands of the President and not of any subordinate temporary official. The officials either by statutory appointment or designation who handle these matters have been temporary officials. On the other hand, I assert that such matters as flood control or the improvement of rivers and harbors, whether of an immediate character or an ultimate character, are of such permanent importance to the United States that they should be handled on a permanently established system and not left to the discretion of the President or anybody else.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. CLARK. I shall be glad to yield to the Senator from Arkansas.

Mr. ROBINSON. The Senator, as I understand him, justifies his support of vesting discretion in the President as to relief on the ground that it involves questions of emergency.

Mr. CLARK. As the Senator well knows, the relief situation is an extraordinary one. The appropriation for it is not carried in the ordinary Budget, to which the President is about to confine us in the matter of flood control but is carried outside the ordinary Budget on the old principle of the fellow who said, "Well, we will take another little drink and not count it." [Laughter.]

Mr. ROBINSON. Does not the Senator recognize the fact that this amendment relates exclusively to the subject matter of emergency? The Senator would vest discretion in the Executive because an emergency is involved with respect to relief, and deny it to the Chief Executive because an emergency is involved with respect to certain projects relating to flood control.

Mr. CLARK. Of course, I decline to let the Senator from Arkansas put in my mouth words which I did not use. The test of the situation is whether we are going to sign blank checks, to grant lump-sum appropriations, as is being done in the case of the \$1,500,000,000, as was done in the case of the \$4,800,000,000, and before that with the \$3,300,000,000, or whether Congress is going to specify the objects for which the money shall be spent, and set up definite rules for preference and priority in its expenditure. That is the whole question.

As I say, I very deeply deplore the fact that we are again called on to make a lump-sum appropriation of \$1,500,000,000. I had hoped that after 3 years of that sort of expenditure the time might have passed when it would be necessary; that the time might have arrived when the President and his various agencies, especially the Bureau of the Budget, would be able to estimate for what the expenditures should be made. But that is a very different and essentially divergent proposition from that of saying that Congress will authorize the appropriation of three hundred and so many million dollars for vitally needed flood-control projects, that we will pledge ourselves in advance not to appropriate more than \$50,000,000, and that we will leave in the hands of the President the determination of the expenditure of the \$50,000,000.

Before taking my seat I desire to say further than I am totally opposed to the limitation of \$50,000,000 for flood control contained in the subsequent part of this amendment. I say that at a time when the United States Government has spent more than a million dollars for building a village up in Maine for housing the employees of a chimerical power project, when the cost of the residences built at Government expense for the executives of that project averages

more than \$18,000 per house, I am totally unwilling to limit to \$50,000,000 the expenditure in behalf of measures which would save more in 1 year than the total expenditures authorized under the act.

Mr. President, I represent a constituency in which a very large section in my State has floods every year, not only every year but two or three times every year, in which the annual loss is more than the whole expenditure authorized in this bill for its protection. I have great sympathy with the Senator from Pennsylvania [Mr. GUFFEY] in the unprecedented flood that happened in his State this year. I know that there was greater losses in the Ohio Valley, particularly around Pittsburgh, this year of our Lord 1936, than the entire cost of the improvements necessary to prevent such floods in the future would have been. I know that there are many other situations in this country in which the expenditure of a certain amount now would save, not in perpetuity, not in accumulation, but every year, or every year in which there is a flood, the total amount of the expenditure necessary to prevent such floods. I am not willing to vote to put a limitation of \$50,000,000 on a needed and meritorious measure in order to have more money to spend on such projects as the Passamaquoddy power development, the Florida canal, or any other such boondoggling project. We could not possibly justify such a proposition to our constituents.

Mr. SHIPSTEAD. Mr. President, I think there is merit in the contention of both sides regarding this amendment. When the question of flood control is coupled up with the question of conservation of soil and the prevention of erosion, we have other factors entering into the problem in addition to the matters which the engineers have heretofore handled, namely, rivers and harbors and navigation.

The question of flood control as it affects the question of soil conservation, I think, is as important as the question of flood control as it affects damage to property. It is a question in my mind whether more damage to property has not been done by lack of control of erosion than has been done by floods. I am convinced that the lack of the kind of flood control that would have protected the soil from erosion has been the cause of as many floods and of as much damage to property as has been recorded in the history of the country.

I think there is something radically wrong with our policy of flood control, because it has been a policy which has attempted, not to prevent floods but to take care of the flood waters after the flood had started. So far as I know, nothing has been done in the policy of this Government to prevent floods.

If this authority is retained in the hands of the Army Engineers, there arises in my mind the question whether or not the Army Engineers should have anything to do with the matter of soil erosion, with the protection or conservation of the soil as it is tied in with flood control as heretofore handled by the Army Engineers. A question of agricultural lands is involved here. A question of forestry is involved. Questions are involved of the control of erosion, with which I cannot see that the Army Engineers have anything to do.

I wish to pay my respects to the Army Engineers as constructors of river and harbor projects. I should not wish to see the control of navigation taken out of their hands under any circumstances. I should not wish to see anyone else have anything to do with that, because the Army Engineers have done it efficiently.

Early in the session I made a remark on the floor of the Senate—at least, the RECORD so shows—which, if I made it, I desire to retract. The RECORD shows that I had expressed disappointment in the accuracy of the estimates of cost by the Army Engineers. If I made that statement, it was made inadvertently. I think the subject came up as I appeared on the floor of the Senate and made a short statement, and there came to my mind the fact that in the past 3 years the cost of public works had so greatly increased over the estimates made in 1928 and 1929. The estimates made under



the high prices of 1928 and 1929 had been very much increased in the past 3 years, and I rose to protest about that; but I do not blame the Army Engineers for that, because they could not control the cost of material, and under the monopolistic price fixing of steel and cement in the basic industries they could not control the price of material.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McGILL in the chair). Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. SHIPSTEAD. Yes; I yield.

Mr. CLARK. As a matter of fact, in connection with the consideration of the estimates of the Army Engineers, the Senator, of course, takes into consideration the fact that Congress itself, by its affirmative act in agreeing to certain N. R. A. codes, had unreasonably boosted the price of some of those commodities.

Mr. SHIPSTEAD. I am aware of that.

It seems to me that so far as soil erosion is concerned and the control of flood waters on the tributaries, which is so intimately connected with the work of conservation of the soil, the Department of Agriculture should have something to do with it.

The Senator from Missouri pointed out that the President is at the head of all the departments and is Commander in Chief of the Army. He appoints the Secretary of Agriculture; he appoints all the heads of the various executive departments of the Government; and it seems to me that he should and he can call upon all of them for information.

A policy is now enunciated by the Congress for the first time, and when it comes to determining a policy I am of the opinion that Congress should always enunciate it, promulgate it, and enact laws to carry it out.

Mr. KING. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. KING. Does the Senator think he is quite accurate in that statement? I refer the Senator to the action of Congress in 1917 and 1918, when a bill was drawn and fathered by Senator Newlands, a great statesman, who had devoted perhaps more attention to the consideration of flood control and protection of the country against floods than any other man in public life. He offered a measure, which was passed, as I recall, creating a commission for the purpose of taking control of rivers and harbors and the building of reservoirs, the development of reclamation projects, and so forth, and put the whole matter in the hands of the commission.

We did not function under that—I have forgotten why—but, as I recall, the law was passed. I talked with President Wilson with regard to it, and he was very much in favor of a policy which would make for the conservation of our natural resources, and particularly a policy which would prevent floods.

As I recall, when that bill was being discussed in the House of Representatives, and likewise in the Senate, a great deal of attention was devoted to the discussion of the headwaters of the Missouri and the Mississippi and the other important streams of the United States, and the importance of reforestation in the prevention of soil erosion. So that the whole scheme was developed in that bill, and envisioned in the policy of President Wilson.

Mr. SHIPSTEAD. Mr. President, that policy may have been the correct one, but it was approved by Congress. I wanted to point out to the Senate in as short a statement as possible the importance of the new policy which is now tied up with the question of flood control.

I do not know how many Members of the Senate have seen these charts on the wall. I merely desire to show the enormity of the losses which have been due to erosion, and what is going on now in the destruction of the foundation of every asset we have in the United States.

On the first chart is indicated the soil of the United States as it was found in 1492, when Columbus came to our shores. Each one of the blocks on this chart represents 135,000,000

acres. The soil was created through untold centuries by nature and was protected by the normal growth of grasses and timber, and there was not any erosion. Out of that soil has come all the wealth that has sustained the population and the industries of the United States, with the exception of what was produced in the mines and the sea.

Out of that soil have come the crops which have resulted in our billions of dollars of balance of trade, out of which we have made payments to the banking houses in foreign countries and also in this country, but particularly in foreign countries, in settlement of the debts we owed for the development of the country, the development of railroads and buildings, and all kinds of investments that were made here.

Our only new crop of wealth each year comes out of this soil. When that soil is gone this country will go. When this soil is gone and cannot produce the food to sustain the population of the country and maintain the population working in industry the country will be gone. Out of this soil comes the original wealth each year to pay the gradually increasing indebtedness of this country; and when this soil is gone, this country is going, too, and this soil is going, and a great deal of it has already gone.

This chart is based upon an investigation by the National Resources Board, and it shows the extent in 1935 to which the soil was eroded and destroyed and was passing away, what is threatened, and how much is left. Senators will see that less than half of the soil is left unimpaired.

A hundred million acres have already been destroyed beyond the possibility of rehabilitation, and that hundred million acres would cover a territory as large as Illinois, Ohio, Maryland, and North Carolina together. That is beyond rehabilitation.

Another 125,000,000 acres are going, and another 100,000,000 acres of the best farm lands in the United States are very seriously threatened.

It is estimated that on account of lack of proper flood control, such as that proposed in the pending bill, 400,000,000 tons of soil a year are washed from the various tributaries of the Mississippi and the banks of the Mississippi into the Gulf of Mexico. During one dust storm one day of 1934 those who were here will remember the clouds of dust were so great that we had to light the lights in the daytime, and it was estimated that 300,000,000 tons of soil from the grain fields of the Middle West moved at that time.

This soil has been destroyed in several ways and by several agencies. Some of it is washed out by water, some of it is moved back and forth by wind, and that only happens when the soil is so dry that the wind can carry it away. Whenever there is plenty of moisture, or enough to keep the soil surcharged with moisture, dust storms do not occur.

There is another way in which the soil is destroyed, and I have here a very crude illustration to demonstrate it. We have here a chart showing the state of nature where there are grasses and forests to protect and hold the topsoil. The roots of the grass and the trees help to hold the soil in place, and the debris of leaves and twigs, which finally decay and create the humus that is so important, holds the water so that it gradually seeps down slowly into the runway. When that humus is destroyed there is a condition such as that portrayed here. When there is cultivation the topsoil gradually washes away and fills the channel, and here we have the other picture.

This is not the ultimate, the conclusion, because after that comes another stage, when land is destroyed by other methods than those already described.

If there had been no river, if this chart showed a valley here without a river, the topsoil would have been washed down into the valley. Some people think that valley lands are valuable because the topsoil comes from the hillsides down into the valley and makes the soil heavy.

Let us see what happens when that process continues. Suppose there were all this soil, as shown on this chart, and it had not been carried away by the water, but was in a line about like that shown here. The volume of erosion would



continue and the subsoil of yellow clay or blue clay would continue to wash down and bury the good soil; there would be subsoil on top of everything, and it would be impossible to raise anything, and nothing would rehabilitate that piece of ground. Much of the good soil in this country is buried by the erosion of the soil, and unless an efficient and comprehensive policy is carried out the chances are, if we permit the present conditions to continue and the present program to continue, that this soil will be entirely carried away in time, and then as a nation we will be through. When the topsoil is gone there is only one thing that remains, and that is the subsoil, and then there is a desert.

The Valley of the Euphrates in Mesopotamia was at one time the most fertile valley in the world. Now it is a desert. The same is true, as has been stated by those who have examined into the archeological history, of the Gobi Desert and the Sahara Desert. Instead of those being deserts in bygone days they were very fertile, and if we are to conserve the foundation upon which all the assets of this country are based, it is necessary to carry out the kind of a program proposed.

I now exhibit a chart to illustrate the comparative productivity of the soil as erosion continues. Where no erosion occurs the productivity is shown. Where partial erosion has taken place, productivity decreases to the point shown. Where there is very little topsoil left, productivity is very small.

This illustration is based upon reports from 10 agricultural experimental colleges in various parts of the country.

On the chart each ear of corn represents 5 bushels of corn. Where there is no erosion the production is 35 bushels to the acre, as indicated by the seven ears of corn. Where the soil is half gone the production is 15 bushels to the acre. So Senators can see what great capacity for production of wealth is being gradually washed away by the waters as the result of lack of a program to conserve the greatest asset we have. We can spend untold millions upon fertilizing the soil of this country in order to make three blades of grass grow where only one grew before, but it does not make any difference how much fertilizer is put on soil of the character shown in the second and third sections of the chart, or how much money is spent upon it. When the topsoil is gone, the soil which it has taken centuries to produce, and when the humus is gone, then there are lacking those conditions which will make crops.

I read a scientific article a short time ago. I do not pretend to be an expert and able to discuss the article. The Senator from New York [Mr. COPELAND] is here and may have read the article or heard of it. The article said that many diseases are due to the absence of minerals in food. After investigation by responsible scientists who have examined into the subject the statement was made that the soil has been so deprived, by constant cropping, of the minerals which nature has put into the soil for the food of the people that the soil no longer contains the necessary minerals to sustain the human body and, therefore, we now have many diseases which were not known in pioneer days, when the soil was virgin and produced the elements in the food necessary for the sustenance of human life, those vitamins and minerals which are necessary to human sustenance. Those elements are no longer produced and there is danger to our people in that respect also.

History in every country shows that wherever the topsoil is lost the vegetation is lost, and there are lost the elements necessary for sustenance of human life; that rainfall is lost, and as a result the land becomes desert.

I now desire to show Senators a chart prepared at my request as a result of investigation made by the National Resources Board. The chart shows the comparative progress of loss and of soil destruction by different kinds of cultivation. The first illustration shows the normal condition of grass. Erosion in that case is negligible. The growing of wheat does not cause much erosion. Each cartload on the graph represents 10 tons of soil eroded per acre. This chart is also based upon investigation made by 10 agricultural stations in

10 different parts of the United States. I make that statement so Senators may estimate the accuracy of the chart.

The figures are not mine. Each cartload represents 10 tons of soil eroded per acre. The estimate is made that in the average State where there is cultivation of wheat there will be lost of the topsoil each year 10 tons per acre if nothing is done to prevent the continuation of the process of erosion. The production of corn wastes four times as much soil. When we come to fallow ground which is plowed, and upon which there is no crop at all, Senators will see that the amount of erosion increases.

Mr. COPELAND. The wind carries some soil away.

Mr. SHIPSTEAD. The wind carries some away as well as water.

I have other charts to show Senators, but before I show them I wish to exhibit a chart which was prepared 3 years ago. I requested the National Resources Board to make some investigation as to the cause of prolonged periods of drought in the interior of the country.

In combination with the Weather Bureau and some other departments of the Government—I do not remember how many departments joined in that survey—a study was made to determine if possible what effect soil erosion had upon rainfall and what effect deforestation of the land or the draining of land had upon rainfall.

In northern Minnesota, as in many places, we drained the swamps and the muskegs. We denuded the forests. Those swamps and muskegs were millions of acres in extent. In those swamps the moss would be very thick. The condition was such that one could hardly wallow through them. Snow would lie in the forests of Minnesota until the middle of May or the first of June, but when the forests were cut and the swamps and muskegs were drained the first showers in the spring would melt the snows and the water would run into the ditches instead of going into the muskegs and being absorbed in the moss as it did before we did that ditching and drainage. In those days there would not be the heavy floods we now have in the spring. There was then a natural storage of water which the white man in his greed to get more land to cultivate has destroyed. We have destroyed that natural storage by which to keep the water back and to keep the floods from doing great damage. We had a natural storage there which kept a year's supply of moisture, even though only light rainfalls occurred. The lakes and the creeks would have their supply from the trickling of the water through the swamps and from the snows which melted in the forests, and we always had an adequate supply of water.

Now the water is shot out into the Mississippi River, and as quickly as it can flow to the Gulf of Mexico it is shot out of the country and treated as a public enemy instead of as a great national asset.

As a result, we have had in the last 25 years a gradual reduction in the rainfall in the Mississippi Valley. For that reason I asked the commission in question to make a study to see if possible whether our system of flood control could have caused this lack of rain and lack of water supply. As a result, they made the chart I now show Senators, showing where our water supply comes from, and what becomes of that water supply.

On the chart it is shown here as coming from various sources. It comes from the rivers and the ocean and the lakes, as will be seen. Through evaporation it comes over the interior of the Mississippi Valley and falls in the form of rain. It is interesting to see where the commission has found how much goes to the ground and runs away in the run-off, carrying soil with it into the rivers and the lakes and the ocean, how much again evaporates and does not run away, how much can be restored to the soil, and how much goes into the ground storage which furnishes the supply to the lakes and the creeks, and partly joins in the final run-off. In the first illustration in the chart we have the supply in the clouds. We have it from the lakes, the rivers, and the ocean. That is the first source of supply. Then it goes out in the form of rain. Some of it goes on the grass



and in the trees. Again, instead of falling to the ground, it evaporates. A good deal of it, how much we do not know, evaporates in the process of falling and returns to the clouds. That does not touch the ground at all. Then another part of the rainfall soaks into the ground through the leaves.

If there are leaves and brush and roots of grass and trees, the flow-off will be checked, and the water is permitted to saturate the soil. Some goes back into the trees, and other parts of it goes to the roots of the trees and out through the tops and is again evaporated. That which is not saturated in the soil, which is not picked up and held by the soil in storage, is infiltrated into the subsoil and goes to the ground-water storage and into the discharge to be again run off, most of it, to the surface and in the rivers. It is estimated that if there be a normal storage under conditions of that kind, which preserves a state of nature, of natural storage—that is, the muskegs, the forests, the pot holes, swamps, the lakes, and the rivers—that under normal conditions in that part of the country the rain, coming in from the sea in the first place in the form of clouds, should drop and evaporate and drop again five times before finally it runs out. So if that is correct, it may to some extent be the explanation for the great areas of drought that we have in the interior part of the country.

Before this survey was taken the State of Minnesota decided, at public expense, to fill the ditches that had been dug in northern Minnesota in order to drain its swamps and its muskegs. It decided to fill them up and return the land to the fish, the muskrat, and the beaver. That, of course, will be incidental, but mainly for the purpose of storing the natural flow of water and holding it back until it can fulfill the function that nature intended it should.

Under our system of flood control it seems to me we have carried on a policy that is the same as though a man who found his kitchen floor flooded with water should make culverts and ditches to carry it away instead of going to the sink, shutting off the faucet, and holding it back until he needed it, until he could use it. So, as the result of that policy, we have found that our lakes have gone down, our rivers have dried up. Take, for instance, the Rum River in Minnesota, which used to carry log drives and on which steamboats used to run. Two years ago one could not paddle a birch-bark canoe or any other kind of a boat on the Rum River.

As an illustration of what the natural storage will do, let me say that on the farm on which I live there is a lake about 3 miles long and 2 miles across. It is the headwater of a long chain of lakes which finally supply water for the Chippewa River. With the coming of the drought the water level dropped until many of the lakes disappeared, but as for the lake in front of my house, one would not notice there had been a drought by looking at the water. Becoming curious about that, I had a geologist examine it in the effort to explain why that lake should remain filled when the water in all the other lakes had either half disappeared or was disappearing. He solved it very quickly. He found there was a tamarack swamp on the north shore of the lake that extended back in broken patches for a distance of 50 miles. I walked through a part of it myself; in many places the moss is that thick [indicating], and it does not make any difference how dry the summer is, one always will get his feet wet walking there, because there is no evaporation. There is a certain thickness on top that is dry, but underneath it is soggy with water. That swamp has fed that lake and kept it at practically the same level throughout the whole dry period we have experienced during the last 4 or 5 years. I think that, as an illustration, bears out the general thesis.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. WALSH. When I traveled through the Senator's State last summer I was very much impressed with the large number of lakes, the level of which had very substantially dropped. I should like to inquire whether that condition is of recent origin, or has the reduction in the level of these lakes gone on for a long period?

Mr. SHIPSTEAD. It has proceeded slowly but progressively faster. It has been going on for some years.

Mr. WALSH. But to a greater extent recently?

Mr. SHIPSTEAD. Yes; it has proceeded more rapidly during the last few years.

Mr. WALSH. Some lakes which were once used as pleasure resorts, and on the shores of which people built cottages and institutions were located, have practically passed out of sight.

Mr. SHIPSTEAD. That is true. That process has been going on for the past, I should say, 30 or 35 years, since drainage, deforestation, and cultivation became so intense.

Mr. WALSH. Has not the Senator's State given that problem a good deal of attention?

Mr. SHIPSTEAD. We have done so for several years. We are filling in the muskeg and the ditches and are trying to reverse the policy of drainage that was first sponsored and very energetically pursued in the effort to get rid of the water, to get the water out of the country so that the farmers could plow up the soil and raise crops. However, when they got rid of the water they found they did not raise such good crops.

Mr. WALSH. Is the Senator of the opinion that the cultivation of the soil is, in large part, responsible for the dropping of the water level in these lakes?

Mr. SHIPSTEAD. I think it is due to drainage, to deforestation, and to destruction of the natural reservoirs which Nature provided in lakes and sloughs and swamps and muskegs and forests. Take, for instance, the fact that the forests were denuded. The lumber companies would leave the slashings, which would become dry and constitute a fire hazard. They would burn, and in turn burn whatever topsoil there was, so that nothing would grow. Then there was nothing left to hold the water, and, as a consequence, erosion took place. The natural water storage has to a large extent been destroyed by the advancement of civilization. Every farmer who had a pot hole, every neighborhood that had what is called a slough, every community which might have a lake, thought that if they could drain that lake and get the water into the Mississippi—get rid of it, send it down to New Orleans—the farms would be improved. There was a period of several years when all a man who wanted to drain the swamps for 30 or 40 or 50 or 60 miles had to do was to go to a district judge and get an order, and the farmers would be helpless. On the farm which my brother occupied, a drainage ditch cost him some \$2,000, and he told me many times since he would have been very much better off if he had given them \$5,000 to let him alone, let him keep in their natural condition the land and meadows that he had before the ditch was dug. As a matter of fact, it practically ruined the farm. That is the history of drainage throughout Minnesota.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. CLARK. Just along that line, there is one situation with which I am very familiar which is possibly the most acute flood-control situation in the United States. I refer to the St. Francis River, which parallels the Mississippi about 50 miles away for nearly 300 miles of longitude. Because of the drainage of water from the swamps and catch basins for agricultural purposes, which turned out not to be worth anything for agricultural purposes after being drained—

Mr. SHIPSTEAD. That is the usual case.

Mr. CLARK. The Army Engineers figure, I think, and certainly the other engineers figure, that the floods now go down in twice as great volume and three times as often as they did before the drainage of those catch basins, affecting seriously the agricultural possibilities of the whole region, but creating an intolerable condition for the rich productive agricultural lands of the lower St. Francis Basin.

Mr. SHIPSTEAD. If we can inaugurate a system or policy under the program established by this bill to hold back the waters and prolong the run-off over the summer instead of shooting that water down in the month of April into the Ohio Valley, the Tennessee Valley, the Missouri Valley, and in fact the entire Mississippi Valley, conditions will be vastly



improved. As it is the water is shot down to the lower Mississippi and nature cannot take care of it. I do not care how much money may be spent by the Federal Government for levees, in my opinion not enough money can be spent to take care of the floodwater if the policy we have followed shall be continued.

Mr. FLETCHER. May I inquire of the Senator with reference to the region of which he has been speaking, were the floods experienced there before the drainage took place, before the deforestation and the forest fires? I think fires have had a great deal to do with the situation, but before they occurred did the State suffer from floods?

Mr. SHIPSTEAD. I have lived there for 55 years. I had a meadow that used to be flooded to some extent in the spring, but the flood did no damage. I remember very well, though, that from the hillsides the soil would come down into the valley which left the tops of the hills bare of topsoil and ruined the hillsides.

Mr. President, an inquiry was made a while ago as to how long the water level had continued to fall in the section of the country to which I am referring. I do not know whether it is typical of the entire country, but for that section it is typical. Here [indicating] is a survey made to determine the drop of the water level. That line [indicating on chart], representing the top of the ground storage, is called the "water level." This chart deals with the western half of Minnesota and the eastern half of North Dakota, known as the Red River Valley, which is the most fertile valley in the world, with the possible exception of the Nile Valley. In former times the valley of this river was a lake bed. The land was rich, as it naturally would be, having formerly been a lake bed, and the topsoil was very heavy, but the land was very low, and if there was a heavy rain during the summer, much of the crop would be destroyed. So a very extensive system of drainage was inaugurated about, I should say, 35 or 40 years ago. Everybody wanted to get rid of the water. It was considered an enemy. Get it out of the country! Here [indicating] is shown the division of the flow of the water. From the south there is the Minnesota River running south and the Red River of the North running north.

The National Resources Board, at my request, made a survey to determine if there was any comparison or connection between the drop of the water level and the diminution in rainfall over a period of years. They learned there has been a great reduction in the water level; it has gradually gone down to the point where people have to lower their wells from time to time, going deeper and deeper, in order to get water for the stock and to supply their houses. In some places that normal water level has dropped as much as 30 feet from the former level, showing a gradual drainage, a gradual loss of the normal water storage in the soil, the supply, whatever did not run off, coming from the soil. On account of the drainage and the destruction of normal conditions causing a retardation of the flow, enough water could not come through the soil, but it ran off because of drainage ditches, and it could not come down. There was nothing on the surface to hold it; there were ditches to drain it off, so it did not penetrate or infiltrate the soil and form the natural ground storage of water. So last summer and the summer before, people had in some places to transport water; it was even sold for drinking purposes at so much a glass. The study is still continuing, but I thought their findings were so fair and so satisfactory that they were worth being called to the attention of the Senate and those Senators who have not seen it.

Here is a question of policy to be pursued. As I said, how far should this policy continue?

On the wall I have placed a map of the United States. The red dots show where the W. P. A., the P. W. A., and the E. R. A. conducted certain works for control of water on tributaries with the idea and view of conserving the soil. However, I am informed these projects were undertaken not where they were the most necessary, but where there was the most unemployment, not where they would be most effective, but wherever labor could be furnished at the capital cost figure which had been fixed by Mr. Hopkins. I think we

should bear in mind that it was done especially for the purpose of giving employment, and the direct aim was not at all a comprehensive program of soil conservation to prevent erosion and to control floods.

I cannot anticipate that this kind of program will continue. There should be a comprehensive program, with a well-directed force at the head of it, for the entire country. Of course, it might be handled by various organizations and by the various States. Whether it should be under the Department of Agriculture, the Bureau of Forestry, or the Board of Engineers, I find it very difficult for me to decide. So far as flood control in the lower valley and the rivers and harbors, and control of navigation are concerned, I do not think it should by any means be taken out of the hands of the Board of Army Engineers.

Mr. President, I do not know that I have anything further to submit to the Senate at this time, except to say that I think the policy is intended to be a permanent policy, no matter in whose charge we place the responsibility. There is danger in putting it in the hands of the President, and that does not mean any reflection on the man who now occupies that office. Presidents come and go, but if we are to save the topsoil of the country and control the floods, we must have a permanent policy. Certainly it is of enough importance to be worthy of the most careful consideration by Congress when we come to determine who shall carry out the policy inaugurated in the bill.

I hope the bill will pass. I voted against the flood-control bill last year because I considered it was a "pork barrel" measure. I am not enough of an expert to determine whether the works on the lower Mississippi and the various rivers which have been sponsored by the Board of Army Engineers are effective or not, but the soil-erosion policy which is inaugurated here and the control of flood waters on tributaries in the great basins of the rivers of the country, I think, contemplate a policy which should have been adopted a century ago.

Mr. COPELAND. Mr. President, I desire to thank the Senator from Minnesota [Mr. SHIPSTEAD]. I think he has made one of the most illuminating and useful contributions to the knowledge of the Senate that I have listened to since I have been here. I think a notable addition to the valuable resources of the country was made in his presentation of the matter today.

Mr. DAVIS. Mr. President, I have listened with a great deal of interest to the remarks of the distinguished senior Senator from Minnesota [Mr. SHIPSTEAD]. Much that he has stated has been our experience in Pennsylvania.

Mr. President, I believe flood-protection projects should be accepted as a Federal responsibility. Those who assert that half of the burden should be carried by local agencies do not specify how these agencies can meet the responsibility. Take Pittsburgh as an example. While we have a few rich corporations and some handsome business buildings there, a general tax on all of the property owners of the city would work a tremendous hardship on the many without assessing the proportionate share of responsibility on those best able to sustain it.

Plans for local cooperation will further delay this necessary program, which should be started at once. The years may move on again without anything tangible accomplished, and each year may witness additional flood loss. The Federal Government, through its power to tax, can best meet this need and distribute the responsibility with greater equity than could be achieved through dependence on local agencies. The local units of government should play their part in administrative responsibility, but the machinery of tax collection requires the authority of the Central Government.

For these reasons, I shall support the amendment offered by the distinguished junior Senator from Mississippi [Mr. BILBO], although I had intended to offer an amendment of similar import.

Mr. President, the appropriation for flood-control projects in Pennsylvania is much less than our need for aid had led us to expect, and is conditioned in such a way as



to delay work at the present time, when work projects of a substantial nature are so greatly needed. I must confess I am disappointed that a larger sum to be used for a flood-protection program has not been designated in the tri-State valley area where the need is apparently the greatest.

In view of the relief appropriation legislation now pending in Congress, I am convinced that an allocation of the necessary sums for permanent flood-relief projects should be made a part of this appropriation and earmarked so that they would be available for administration by the Army Engineers. If such action is not now taken, I am confident the voters will make this an issue in the coming election, and will be justified in doing so. An administration which continues to seek appropriations for the Passamaquoddy moon-harnessing project and the Florida ship canal, over which there is divided opinion, when flood-control projects which have the unanimous endorsement of voters and taxpayers go begging, will be held strictly accountable on election day. Millions of dollars have been spent upon activities whose value is highly questionable, while the plans of Army Engineers for effective flood-control projects have been steadfastly ignored.

Mr. President, when these things can be said, and can be substantiated by documentary proofs which are matters of Government record, the ghastly fact is revealed that what happened along the raging rivers and their turbulent tributaries throughout the watersheds of Pennsylvania in March 1936 was not an unavoidable accident. It was, in reality, one of the worst instances of governmental neglect in American history, wherein a death toll of more than 200 men, women, and children was taken, and losses sustained, tangible and intangible, which in the aggregate will far exceed \$500,000,000—all, or nearly all, of which could have been averted by the expenditures of but a small fraction of the sums which have been boondoggled away.

The Army Engineers in their official findings estimate that for a maximum construction cost of \$35,175,700 plus an outside figure of \$35,350,100 for land and damages—or an entire outlay of \$70,525,800—every important community along the Susquehanna River and its tributaries and along the Allegheny and Monongahela Rivers and their tributaries—the two sections of the State where all the losses of life and property occurred—could have been put under the protection of completely planned flood control. These completed plans of the Army Engineers, dating back to 1932, include 9 reservoirs upon the principal tributaries of the Allegheny and Monongahela, including the Conemaugh, which almost destroyed Johnstown; and a system of levees and retarding dams to protect life and property in 19 cities and towns along the Susquehanna River and its tributaries. More than 80 percent of the total construction costs will go for the employment of labor, and of the balance only 5 percent will be necessary for administration, the remainder going for materials.

Mr. President, the report of the Pennsylvania Protective Union shows that in Pennsylvania there has been expended for relief purposes from September 1932 to April 1, 1936, a total of \$742,794,490. This is 10 times the amount required to give Pennsylvania and a large part of the Nation adequate flood control. The Works Progress Administration alone, according to this report, has spent as much as the \$70,000,000 requisite for this vital need of our people.

Mr. President, I am not unaware of the fact that before W. P. A. had been operating a month in Pennsylvania more than \$5,000,000 had been allotted for this type of work—much of it wholly unnecessary, and a great deal of it indefensible waste. After the floods had wrought their havoc of death and destruction, Administrator Hopkins announced that he could immediately put 250,000 men into the work of repairing the damage. When General Hagood protested the waste of Federal funds in this way, he was made to feel the displeasure of the administration.

So far as Pennsylvania is concerned, the issue now uppermost in the minds of the people is sharply defined. The question arises whether the administration believes that the people of the heavily populated area of the industrial East

will be content with gestures of flood relief at a time when permanent flood-control projects are ignored. The people of this area are thoroughly flood-control conscious, and will not be satisfied with flood-relief measures when all evidence points indisputably to the urgent need for flood control.

There is pressing need of getting these flood-relief projects under way as soon as possible. The annual loss through floods in western Pennsylvania and the upper Ohio, due to the fact that there has not been adequate flood control, makes it unwise to delay this matter further. The loss suffered in Pittsburgh alone this spring would exceed many times over the amount which is now being appropriated for flood control for the entire Nation.

The conservation of river water for industrial purposes is equally as important as flood control in western Pennsylvania. Some people have too much water and some not enough, and yet we are rapidly getting together on the question of proper distribution for the welfare of all. The Pymatuning Dam at Greenville, Pa., proved this spring that its broad surfaces could serve the double purpose of holding back the water in floodtime and distributing it according to need in other seasons. This dam almost paid for itself in a single season through the protection it offered this spring. I deeply regret that an auxiliary dam has not been provided above Sharpsville. I trust that next year the recommendations of the Army Engineers will include this worthy project.

Mr. President, I wish to emphasize the benefit which will extend to far-reaching adjacent areas through flood-control reservoirs and levees on the upper Ohio and its tributaries. I believe it is the consensus of opinion that this is a strategic point of great need not only at which to combat local flood conditions but also to interpose flood protection for large areas to the south. Although we have now become flood-conscious as a nation, due to recent catastrophes, we should realize that the average loss year by year is greater than will be met by the appropriation this year for flood-control projects for the Nation as a whole. Moreover, the appropriations now made will not be entirely spent within a year, but will be made to extend over a considerable period of time. We cannot afford to continue to suffer this average annual flood loss.

I am confident that a study of the reports of the Army Engineers, together with studies prepared by the Mississippi Valley Committee of the Public Works Administration and the Water Planning Commission of the National Resources Board and the Flood Commission of Pittsburgh, will show that there is indisputable need for flood-control projects, reservoirs, and levees on the upper Ohio, the Monongahela, the Allegheny, and the Susquehanna Rivers. These are outstanding needs, and there is no longer sufficient reason for delaying protective measures for this densely populated section of the Nation.

Mr. President, I ask that the statement made by me before the Senate Commerce Committee on this subject on March 25 be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER (Mr. POPE in the chair). Without objection, it is so ordered.

The statement is as follows:

In addition to these reservoirs I wish to join with my colleague in asking immediate consideration of Senate bill 4331, calling for appropriations for the construction of levees on the Susquehanna River at a number of places, including Harrisburg, York, Williamsport, Lock Haven, Plymouth, Wilkes-Barre, and other cities where levees are greatly needed. Their location and cost are specified in the bill.

The Pittsburgh Flood Commission has estimated that tangible benefits more than exceed dollar for dollar the cost of construction and that, if intangible benefits are included, the social and economic returns are double the cost of this construction. To this should be added the necessity of giving employment to thousands of workers living in this area. If the work is to be accomplished at a maximum of efficiency, standard rates of wages should be paid. This is a point which is very important in the face of our present need to build up purchasing power in the hands of the workers.

It is unthinkable that in the face of these conditions Congress should refuse to take adequate measures for the protection of the life and property of our citizens. Construction of reservoirs and levees have proven to be successful in coping with these problems. The only alternative to flood control as suggested would



be for the Government to buy up the land adjoining the uncontrolled rivers, move the present residents to higher land, and abandon the flood areas to the mercy of the angry waters. If this method is adopted, it will prove far more costly than to follow the dictates of science and common sense and build the needed reservoirs and levees.

I can think of no better use which the Government can make of taxpayers' money than to use it in the construction of permanent flood-control projects, which assure flood protection to the entire Nation and promise to provide work for thousands of the unemployed at standard rates of wages when they are so desperately in need of work.

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Keyes	Pittman
Ashurst	Copeland	King	Pope
Bachman	Couzens	La Follette	Robinson
Bailey	Davis	Lewis	Russell
Barbour	Dieterich	Logan	Schwellenbach
Barkley	Donahey	Long	Sheppard
Benson	Fletcher	McAdoo	Shipstead
Bilbo	Frazier	McGill	Smith
Black	George	McNary	Stetson
Bone	Gerry	Maloney	Thomas, Okla.
Borah	Gibson	Metcalf	Truman
Brown	Glass	Moore	Vandenberg
Bulkley	Guffey	Murphy	Van Nuys
Bulow	Hale	Murray	Wagner
Burke	Harrison	Neely	Walsh
Byrd	Hastings	Norris	Wheeler
Capper	Hatch	Nye	White
Caraway	Hayden	O'Mahoney	
Chavez	Holt	Overton	
Clark	Johnson		

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. COPELAND. Mr. President, it seems to me that if we had needed any argument in favor of this amendment, the speech made by the Senator from Minnesota [Mr. SHIPSTEAD] would be ample reason to leave the priority to the President.

There is not in this body any warmer friend of the Army Engineers than am I; but we have in this bill, if we include soil erosion and the examination of the various affairs related to flood control, a greater problem than flood control alone. It becomes a problem which ought to be dealt with comprehensively and in all its parts. Therefore, I hope the amendment suggested by the Senator from Missouri [Mr. CLARK] will fail.

Mr. CLARK. Mr. President, I do not desire to detain the Senate before a vote; but let me say that the proposal embodied in the comprehensive amendment offered by the Senator from Arizona [Mr. HAYDEN] to the flood-control bill amounts to the same thing as if a man should come along and see a house burning down, and say, "Well, I will retire and get up a comprehensive scheme for preventing fires in the future. Of course your house may have to burn down; but after I have taken the matter under consideration I shall be prepared, in a year or 5 years or 10 years, to bring in a scheme for preventing such fires in the future."

Mr. President, the object of a flood-control bill is to take care of a situation where floods constantly and persistently recur. To divert the authority for determining priority away from the Army Engineers, who have had years of experience with it, to a new and unknown and untried board for the purpose of setting up a coordination with soil erosion and reforestation, objectives with which I am very much in sympathy, is simply to postpone action on an emergency matter, a known flood situation, and relegate it to the limbo of an ultimate report from some unknown committee.

I believe if we are to have any justification for the bill at all that the determination of priority should be in the hands of the body which has always been familiar with that situation rather than with an unknown body. I particularly warn my friends on this floor from sections of the country where there is a permanent flood menace against the adoption of an amendment which, it is my prediction, will mean the expenditure of the \$50,000,000 actually authorized in the bill only in the Susquehanna Valley in New York and in Pennsylvania.

Mr. NORRIS. Mr. President, I desire to make an inquiry about the parliamentary situation before I proceed. Has the Senator from Missouri offered an amendment to the amendment offered by the committee?

The PRESIDING OFFICER. The Senator from Missouri has offered an amendment to strike out certain words in lines 8 and 9 of page 1 of the committee amendment.

Mr. NORRIS. I desire to inquire whether that is not an amendment in the third degree. Is not the committee amendment already an amendment to an amendment?

The PRESIDING OFFICER. The Chair is advised by the parliamentarian that under rule XVIII the amendment of the Senator from Missouri is not an amendment in the third degree.

Mr. NORRIS. I would not care to enforce the rule, even if it were an amendment in the third degree, because I am perfectly willing to take it as it stands; but I was of the opinion that technically the amendment of the Senator from Missouri was not in order at this time.

Mr. President, I believe no Senator has a greater respect for the Army Engineers than have I, and the fact that I favor the amendment offered by the committee I do not want under any circumstances to be taken as an indication that I have any idea of casting any reflection upon the Army Engineers or their ability.

I am considerably disappointed in the pending bill. I was under the impression we were to have a bill before us that would be an emergency measure, that we would not try to legislate on the general subject of flood control until there was available more information, which we could not possibly get at this session of Congress, and that we would content ourselves at this session by taking care of only the emergency situation.

Before the bill passes I expect to have something further to say on that subject, but at the present time I mention it only because the Senate is conscious, as I think the country is conscious, of the fact that flood control is not only a national problem but that Congress should consider all of the various navigation and flood-control questions as part of one great problem affecting the entire country. This brings me to the pending amendment.

We have already agreed to an amendment providing that soil erosion and certain other activities shall be considered by the Department of Agriculture and shall be under the domain of the Department of Agriculture. The President now has all sorts of committees at work, which have been at work for a year or two, in a study of erosion, forest control, and all sorts of integrated questions which apply to all the streams of the United States, navigable and unnavigable.

That is a wonderful undertaking, which in its scope goes further than the imagination will carry one. Yet I believe that the country realizes, as we realize, that we must study the flood-control question with all those things in view, having in mind dams built on the small tributaries of the streams of the country, all sorts of methods and means to be used to hold back the water, whether they are immediately in the vicinity of a large stream or not, because eventually all the water gets into the larger streams, the main streams, and so far as flood damage is concerned the damage occurs not altogether but mostly along the larger streams.

But the damage, so far as erosion is concerned, so far as forest control is concerned, occurs away back from the main stream. The proper utilization of the soil in some places, particularly in the semiarid sections of the country, and also where there is too much rain, the proper planting of the right kind of crops, grasses, trees, shrubs—all these things have their integrated place in a study of the great question of flood control, which affects the entire United States. Committees appointed by the President, to which he has allocated certain funds which we appropriated to him, are proceeding now to study these problems all over the country.

The Army Engineers are experts in their line, and we have an efficient corp of Army Engineers. They know how to build a dam. To some extent the other questions have been



placed in their hands, though not all of them have been. The Army Engineers are doing a great work.

All the improvements cannot be made at once, and when the time comes for a decision as to whether a particular improvement should be made this year or this month, the Army Engineers would look at the conditions through their own eyes. If the other students of the question, studying erosion away back in the country, trying to find what kind of grasses or shrubs or trees should be planted, and what kind of miniature dams should be constructed to control a stream which may be a stream only immediately after a heavy rainfall, pass on the question as to where the money should be spent, what dams should be built, they might reach a different conclusion from that of the Army Engineers.

The Department of Agriculture, proceeding under the present law, and under the amendment we have already adopted to the bill, would have a different viewpoint possibly. I have listened with a great deal of interest to the two Senators from Kentucky today seeking the construction of a particular project. They described it. In my mind's eye I could see just what it was. I have personally investigated many such projects.

A flood might occur tomorrow, or this afternoon, which would wipe a city or a town or a beautiful, fertile valley out of existence, a condition which probably could be obviated by the application of some of the funds appropriated by the pending bill to preventive measures that would hold back flood waters and thus save the town or the city or the rural settlement. If the men engaged in the study of that problem had to pass on the question of priority between projects they might reach a different conclusion from that reached by the Department of Agriculture.

Somebody has to pass on the question of priority. It does not have to be an engineer, as I see it, but the one passing on it must have a broad mind. He must have in view the general scope of the United States. He must have knowledge of what we are trying to do—something which it will take a hundred years to complete, knowing that we have to go slowly on account of lack of funds; that we cannot do it all at once or in 1 year or in 10 years. It is not necessary for the one charged with responsibility to have technical knowledge, to know how to construct a dam on the Mississippi River. He may not have such technical knowledge. He must, however, have a broad mind. He must be able to see the picture of the future and the damage which is likely to come tomorrow or the next day.

Someone must decide which course shall be pursued tomorrow in order to use the appropriation that may be available this year. Although I do not question the honesty or the ability of those in the bureaus or investigating committees, I believe it would not be fair to let one of the bureaus or one of the large number of investigating committees decide between two conflicting projects, both of which might be meritorious. It seems to me the decision should rest with some one outside any of the bureaus. It should rest with some head. Therefore it seems to me the amendment which proposes to submit such questions of dispute to the President is the best solution of this problem.

The President is too busy to look over the projects personally. He will not be able to make a personal physical examination of them. He will, however, select men in whom he has confidence to give him the general picture and to give him specific information. Having in his mind the general scope and a picture of what can best be done with the \$50,000,000 which is to be divided up among these projects, he will get all possible information concerning them. He will undoubtedly consult the Army Engineers. They probably will be the first men with whom he will discuss the matter.

The President will consult the experts in the Department of Agriculture. He will consult the local agencies which have lived with these conditions for 40 years, right in the places where damage has occurred, where there has been a washing away of soil for many years. I personally know of certain places on some of the rivers in the United States where another flood would wipe out a town which is 40 or

50 years old. A flood may not come soon. It may be another 50 years before another serious flood will come. Of course, it may never come. However, it may come tomorrow. God only knows if and when it will come. The only thing to do is to be ready when it shall come with as many completed projects as possible.

If a dam be constructed on one of the rivers in whose watershed is the best alluvial soil in the world, it will be only a few years, speaking in an historical sense—perhaps a hundred, perhaps 200, perhaps only 50 years—until that reservoir will be filled with silt. Many of our great dams are now filling up. The history of civilization tells us of many such dams, constructed years ago, which were eventually filled up with silt that came down from the fertile plains, that washed into the river, and was held there by the dam. I do not mean to say that the construction of such a dam was a mistake. I do not wish to say that by any means. The construction of the dam was necessary. But in connection with it, to preserve the reservoir, to continue its benefits for the saving of the soil, it was necessary to construct hundreds of other dams, to provide for the planting of trees and shrubs and grasses, and to see that they were protected when they were planted; to build miniature dams, as it were. So it all works out as one perfected whole when the work is completed.

I think the man to decide that problem, the man who is best equipped to obtain the essential information, is the President of the United States. Not often will any controversy arise. Probably not once in 50 times will there be a disagreement. There will not be sufficient interference to be noticed with the work of the Army Engineers or with that of the other experts. When they get together, they can reach their own conclusions. In most cases there will be no dispute to go to the President.

The problem will work itself out. However, in case there is a dispute, someone ought to be at the head to decide the question. There should be at the head some unprejudiced official, some official with a broad view as to just what we are trying to accomplish by flood control in America. It is necessary that it be so.

Mr. President, there are countries in the world which are now desert but which once were fertile. Although in many of those countries large dams were constructed, the construction of little dams was not considered. Attention was not given to erosion. The people continued to cut the trees, and they continued to cultivate soil which never should have been touched with a plow. In many cases they overpastured the grasses that grew according to nature's command, and left them in such shape that erosion occurred and the soil was carried away. All those questions are involved in this matter.

While I do not agree with some Senators as to the importance of the pending amendment as a practical proposition, yet I believe it will add to the general conception of the viewpoint which I think all of us should have when we come to legislate on this question, one of the greatest questions that confronts us now or which ever will confront us.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK] to the amendment of the committee.

Mr. COPELAND. If no other Senator cares to speak on the amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Burke	George	La Follette
Ashurst	Byrd	Gerry	Lewis
Bachman	Capper	Gibson	Logan
Bailey	Caraway	Glass	Loneragan
Barbour	Chavez	Guffey	Long
Barkley	Clark	Hale	McAdoo
Benson	Connally	Harrison	McGill
Bilbo	Copeland	Hastings	McNary
Black	Couzens	Hatch	Maloney
Bone	Davis	Hayden	Metcalf
Borah	Dieterich	Holt	Moore
Brown	Donahay	Johnson	Murray
Bulkeley	Fletcher	Keyes	Murray
Bulow	Frazier	King	Neely



Norris  
Nye  
O'Mahoney  
Overton  
Pittman  
Pope

Robinson  
Russell  
Schwellenbach  
Sheppard  
Shipstead  
Smith

Stelwer  
Thomas, Okla.  
Townsend  
Truman  
Vandenberg  
Van Nuys

Wagner  
Walsh  
Wheeler  
White

La Follette  
Logan  
Long  
McGill  
Maloney

Moore  
Murray  
Neely  
Norris  
O'Mahoney

Overton  
Pittman  
Pope  
Robinson  
Russell

Schwellenbach  
Sheppard  
Thomas, Okla.  
Wagner  
Wheeler

The PRESIDING OFFICER. Seventy-eight Senators have answered to their names. A quorum is present.

Mr. COPELAND. Mr. President, the question on which the Senate is about to vote is the proposal of the Senator from Missouri [Mr. CLARK] to strike from committee amendment no. 2 the words, on lines 8 and 9, "as may be designated by the President."

The purpose of the committee amendment is to permit the President to determine priority. The purpose of the Senator from Missouri in moving to strike out the words mentioned is to leave decision with the Board of Army Engineers as at present.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. CLARK] to the amendment reported by the committee.

Mr. CLARK. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the roll was called.

Mr. BILBO. I have a pair with the Senator from Iowa [Mr. DICKINSON]. I am not advised as to how he would vote if present. I, therefore, transfer that pair to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. BULKLEY. I have a general pair with the senior Senator from Wyoming [Mr. CAREY], who is absent from the city on official business. Not knowing how he would vote, I transfer my pair with him to the junior Senator from Utah [Mr. THOMAS] and vote "yea."

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Colorado [Mr. COSTIGAN], and the Senator from Nevada [Mr. MCCARRAN] are detained from the Senate on account of illness.

The Senator from North Carolina [Mr. REYNOLDS] is detained on account of a death in his family.

The Senator from Arizona [Mr. ASHURST], the Senator from Nebraska [Mr. BURKE], the Senator from California [Mr. MCADOO], and the Senator from South Carolina [Mr. SMITH] are attending committee meetings.

The Senator from South Carolina [Mr. BYRNES], the Senator from Oklahoma [Mr. GORE], the Senator from Illinois [Mr. LEWIS], the Senator from Tennessee [Mr. MCKELLAR], and the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS] are unavoidably detained.

The Senator from Massachusetts [Mr. COOLIDGE], the Senator from Wisconsin [Mr. DUFFY], the Senator from Indiana [Mr. MINTON], and the Senator from Utah [Mr. THOMAS] are absent on official duty as members of the Board of Visitors to the United States Military Academy at West Point.

Mr. McNARY. I announce the following general pairs:

The Senator from Delaware [Mr. TOWNSEND] with the Senator from Tennessee [Mr. MCKELLAR];

The Senator from Vermont [Mr. AUSTIN] with the Senator from South Carolina [Mr. BYRNES]; and

The Senator from Maine [Mr. WHITE] with the Senator from Maryland [Mr. RADCLIFFE].

The Senator from Delaware [Mr. TOWNSEND], the Senator from Maine [Mr. WHITE], the Senator from Vermont [Mr. AUSTIN], and the Senator from Wyoming [Mr. CAREY] are detained from the Senate on official business.

The result was announced—yeas 31, nays 40, as follows:

## YEAS—31

Bachman  
Barbour  
Bilbo  
Borah  
Bulkley  
Byrd  
Capper  
Clark

Couzens  
Davis  
Donahay  
Frazier  
Gerry  
Gibson  
Glass  
Hale

Hastings  
Johnson  
Keyes  
King  
Lonergan  
McNary  
Metcalf  
Murphy

Nye  
Shipstead  
Stelwer  
Truman  
Vandenberg  
Van Nuys  
Walsh

## NAYS—40

Adams  
Bailey  
Barkley  
Benson  
Black

Bone  
Brown  
Bulow  
Caraway  
Chavez

Connally  
Copeland  
Dieterich  
Fletcher  
George

Guffey  
Harrison  
Hatch  
Hayden  
Holt

## NOT VOTING—24

Ashurst  
Austin  
Bankhead  
Burke  
Byrnes  
Carey

Coolidge  
Costigan  
Dickinson  
Duffy  
Gore  
Lewis

McAdoo  
McCarran  
McKellar  
Minton  
Norbeck  
Radcliffe

Reynolds  
Smith  
Thomas, Utah  
Townsend  
Tydings  
White

So Mr. CLARK's amendment to the amendment of the committee was rejected.

Mr. COPELAND obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator from New York yield to me for a moment, as I am obliged to return to the Finance Committee?

Mr. COPELAND. I yield.

Mr. BARKLEY. On page 110, line 10, in the committee amendment the language of the bill is:

Salysersville River, Magoffin County, Ky.

It should read:

Licking River, near Salysersville, Magoffin County, Ky.

I ask that that amendment be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kentucky to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. CLARK. Mr. President, will the Senator from New York yield to me, because I have to go back to the Finance Committee?

Mr. COPELAND. I yield.

Mr. CLARK. I do not desire to detain the Senate by asking for another roll call on the principle of the amendment. I think the question has been determined by the last record vote. I do desire, however, to say for the RECORD that I hope that Members of the Senate from the States which are actively, year after year, concerned with the problem of floods, having cast the votes which they have cast on the last roll call and determined by their own act to put the matter absolutely in the hands and the discretion of the President, will not go back to their States and express surprise when their States do not get any money for flood control from the passage of this bill.

I predict again, Mr. President, as I did a while ago, that the great bulk of the \$50,000,000, the limitation authorized by this bill, will be expended in New York and Pennsylvania, and that the States and localities that year after year and sometimes two or three times a year face a very vital and desperate flood-control problem, will get little or nothing as a result of the passage of this measure.

Mr. KING. Mr. President, I am compelled to return to the Committee on Finance which is considering the tax bill. I shall have no opportunity, as I had hoped, to discuss this bill. I rise only for the purpose of stating that I am opposed to the bill, and if I were present I should vote against it. I am opposed also to amendment numbered 6, creating a National Resources Board. I have not time to elaborate the reasons for my opposition to that amendment any more than I have time to elaborate my objections to the bill. As it is, I can only say—

Mr. COPELAND. Mr. President, will the Senator yield for a moment?

Mr. KING. Yes.

Mr. COPELAND. If the Senator wishes to speak on title II, I desire to suggest that there are a number of members of the Finance Committee who are interested, as is the Senator, in that title, and we have a good deal to do yet before we reach title II. I think it is safe to say, if it is agreeable to the leaders, that so far as title II is concerned, we might let it go over until tomorrow. Would that please the Senator?

Mr. KING. That will be entirely agreeable to me.

Mr. COPELAND. Mr. President, the Senator from Montana [Mr. WHEELER] is obliged to leave the Chamber. He desires to offer an amendment at this time; and because of



the necessity for him to leave, I am willing that his amendment may be now considered. I should not like to interfere with the orderly process of the passage of the bill, but the Senator has obligations about which he has told me, and I am willing to have his amendment presented at this time.

The VICE PRESIDENT. An amendment to the committee amendment is now pending which has not been disposed of.

Mr. COPELAND. Very well; let us first dispose of that.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York to the amendment of the committee on page 57.

The amendment to the amendment was agreed to.

Mr. WHEELER. I offer the amendment which I send to the desk and to which the Senator from New York referred a moment ago.

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to insert at the proper place in the bill the following:

Big Horn River, Mont.: For construction of works on the Big Horn River about 36 miles southwest of Hardin, in Big Horn County, Mont., for flood control, \$15,000,000.

Mr. WHEELER. Mr. President, this project has been urged for many years in connection with flood control on the Missouri and Mississippi Rivers. The Army Engineers have made a study of its purpose, which is silt control. The Mississippi Valley Association, which is interested in flood control on the Mississippi River, and the Missouri River Valley Association, which is interested in flood control and navigation on the upper Missouri River, have both gone on record definitely for a long period of time in favor of the amendment.

According to the report of the Engineers, the dam would be 550 feet high and would impound 1,500,000 acre-feet of water. No valuable land would be flooded. The land which would be flooded by reason of the construction of the dam is all either Government owned or a part of the Indian lands in the State. The water could be used to irrigate 300,000 acres of land, but I am not asking for that. Of the land in question 138,000 acres would be on the Crow Reservation. There would be no delay in the construction of the dam because the Army Engineers have already investigated the project and know all that is to be known with reference to where the dam should be located and constructed.

Mr. McNARY. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Oregon?

Mr. WHEELER. I yield.

Mr. McNARY. Has the preliminary survey heretofore authorized by Congress been made by the engineers?

Mr. WHEELER. My understanding is that the preliminary survey has been made by the Army Engineers.

Mr. McNARY. Was the report favorable as made by the district and regional engineers, and does the project now have the sanction of the Board of Army Engineers?

Mr. WHEELER. In this particular bill?

Mr. McNARY. Yes.

Mr. WHEELER. No. I am frank to say they have not recommended that it be included in this bill.

Mr. McNARY. The report, then, can be construed as being adverse to the project?

Mr. WHEELER. I do not think it could be construed as being adverse to the project, because the Army Engineers have pointed out its value with reference to the control of silt and likewise its value in flood control on the upper Missouri and Mississippi Rivers.

Mr. McNARY. I do not want the Senator to assume that I am opposing the project. I am asking for information. The first step always is authorization by the Congress of a preliminary survey. That is made by the district engineers. The matter then goes to the regional engineers and from there to the Board of Army Engineers. Those projects which were acceptable to the Board of Army Engineers have been placed in the pending bill. What I should like to know is how far the project has gone with respect to surveys and reports of the engineers?

Mr. WHEELER. In the report which was made is a letter from the Secretary transmitting, pursuant to section 1 of the Rivers and Harbors Act of January 21, 1927, and section 10 of the Flood Control Act, approved May 15, 1928, a letter from the Chief of Engineers of the Army dated February 9, 1934, submitting a report. He speaks of the investigation which has been made with reference to this project and the control of silt and flood control.

Mr. McNARY. The Senator has the record before him. Did the district engineers who made the survey report favorably to the regional engineers?

Mr. WHEELER. I do not think they reported either favorably or unfavorably.

Mr. McNARY. Then, there has not been any report in any of the preliminary phases with respect to any survey that has been made, has there?

Mr. WHEELER. A report was submitted of the investigation which was made, but I find nothing in the report which either suggests that the dam be built or that it be not built. The engineers simply point out from an engineering standpoint exactly what its features would be.

Mr. McNARY. To whose report does the Senator refer?

Mr. WHEELER. I am referring to a report of the Army Engineers contained in House Document No. 256, containing a letter from the Secretary of War.

Mr. McNARY. What do the engineers say about the project?

Mr. WHEELER. I am going to call attention to that in just a moment.

Mr. O'MAHONEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. WHEELER. I yield.

Mr. O'MAHONEY. May I ask whether the project involves any land in the State of Wyoming?

Mr. WHEELER. It involves some land in the State of Wyoming, back of the dam. As I understand from the report which I have read, it involves the flooding of no land except public lands and Indian lands. The late Senator Kendrick, of Wyoming, always endorsed this particular project and favored it in correspondence and other recommendations which have been made.

Mr. O'MAHONEY. A report was recently made to me that if the dam contemplated were constructed, it might result in flooding lands which are now occupied by a town. I have not had an opportunity to look into that matter. I should like to do so before the Senator calls for a vote on his amendment.

Mr. WHEELER. All the information I have is to the contrary. One of the engineers making report on the project states that it would not flood any lands, except public lands and some Indian lands.

Mr. O'MAHONEY. Doubtless the engineers' report would indicate what land would be covered by the lake, so it would be a simple matter to determine. I shall make an investigation immediately. In the meantime I hope the Senator will not ask for a vote until I get that information.

Mr. COPELAND. Mr. President, will the Senator from Montana yield?

Mr. WHEELER. Certainly.

Mr. COPELAND. Perhaps when the Senator from Montana concludes I can give all the information the Senator from Wyoming needs to enable him to vote intelligently.

Mr. O'MAHONEY. I have no doubt the Senator can do so.

Mr. WHEELER. Mr. President, I desire to call attention to a letter which was addressed to the Secretary of the Interior, attention of Colonel Waite, by A. W. Koch, who was the chief engineer for the Big Horn Canyon organization. It is in part as follows:

DEAR SIR: I wish to call your attention to a few facts about the proposed Big Horn Canyon project of Montana.

It seems that two proposals have been studied, one for a dam 410 feet high and one 465 feet high, which were to develop 582,000 and 830,000 acre-feet storage, respectively. These correspond to water levels, reservoir full, of 3,570 and 3,710, and will require dams 440 and 480 feet high, respectively, instead of the heights indicated, to



allow 15-foot freeboard (i. e., the distance the dam will project above water level with reservoir full).

If the study had been continued to include a dam 550 feet high corresponding to water level of 3,680, reservoir full, the storage would be 1,700,000 acre-feet.

Mr. Koch speaks of the location; and I wish to call attention particularly to what he says with respect to silting. He says:

As previously stated, the reservoir created by a dam 550 feet high would hold the silt of the Big Horn River for a period of 40 years without impairing its efficiency in controlling the discharge of the river completely, based on the average for the years 1904 to 1915, inclusive. There is no good reason why this period of 100-percent flood control cannot be extended much longer if desired. It is quite possible to dredge the reservoir or sluice it out through the dam and onto the benchlands below. The cost of dredging would evidently be higher than the costs of dredging on the lower Mississippi; but the quantities to be dredged would likewise be perhaps less than one-third of what the floods of the Big Horn cause to be precipitated into the lower Mississippi if left uncontrolled. Besides, it would be worth while to consider the damage these periodic floods cause along the 3,000 miles of river channels between the canyon of the Big Horn and the lower Mississippi.

It has been recognized for many years that one of the chief causes of the floods, not only in the Yellowstone River below the Big Horn but likewise in the upper Missouri and Mississippi Rivers, was the silt coming down from the Big Horn River and lodging in these particular rivers. Only a few years ago a very serious flood occurred near Forsyth, Mont., and Miles City, Mont., and all through that section along the Yellowstone.

As a matter of fact, the only reason why there is flood-control agitation in the East is because a flood recently occurred here. I presume Congress will not again take cognizance of the situation which exists on this particular river and on the upper Missouri River and the upper Mississippi River until another flood takes place in that particular area; but it seems to me the time to correct the situation is before the flood takes place, and not afterward.

If we really seriously desire to prevent floods along the upper Missouri and along parts of the Mississippi River, the way to do it is to build dams back in the mountain areas to control the floodwaters in that particular section. Every engineer who has ever studied the situation in that section of the country has contended that the best way to control the floods in parts of the Missouri River and parts of the Mississippi River is by building dams in these areas.

I have been perfectly amazed to find that in this bill no attention whatever has been paid to flood control of the tributaries of the Missouri River. As most persons know, the Missouri River, which is the largest branch of the Mississippi River, is made up of the Gallatin and Jefferson and Madison Rivers, which originate in Yellowstone Park and in a section of Montana. Then there comes in the Big Horn River, which flows into the Yellowstone River and finally joins another tributary of the Missouri River, making what is known as the upper Missouri River.

In the spring of the year the melting snows come down from these mountains and cause floods. They not only cause floods in the upper Missouri but they likewise cause floods in the Yellowstone Valley area. There are irrigation projects along the Yellowstone River which have been repeatedly destroyed, and had to be rebuilt, by reason of the flood waters coming down from the Big Horn River. That is the reason why the Mississippi Valley Association and the Missouri Valley Association have repeatedly gone on record in favor of this particular project.

Looking at the question from the silt-control standpoint alone, every year the Mississippi River and the Missouri River have to be dredged, at large expense to the Government of the United States. Some of the engineers who have worked on this project have estimated that the cost of building this dam will be saved simply because it will obviate the necessity of dredging the silt that comes down from the Big Horn River.

In addition to that, while I have made no provision for it in the amendment, there are in the neighborhood of 138,000 acres of land in the Crow Indian Reservation. We are con-

stantly appropriating money to help these Indians become self-supporting. If this dam should be built, the whole Crow Reservation could be irrigated at practically no expense, and then those particular Indians would become self-supporting. I mention that only as an incidental matter.

It has been shown that power can be developed at this particular project; and the statement has been made, which is true, that at the present time there is not any demand for the power. I am not urging the construction of this dam as a power project; however, I am urging it as a flood-control project, and solely as a flood-control project.

The engineer who worked upon this project said:

It will completely control the floodwaters and the silt of the Big Horn River, which furnishes at times 36 percent of the silt entering the Mississippi from the Missouri River.

The engineers estimate that 36 percent of the silt going from the Missouri River into the Mississippi River comes from the Big Horn Canyon. If we wish to pass a flood-control bill that is really going to be of benefit to the Missouri River, if we wish to pass legislation that is going to be of benefit to the Mississippi River, if we desire to refrain from having constantly to dredge out those rivers, if we wish to stop soil erosion along the Missouri River and help navigation along the Missouri River, here is an opportunity to do it at a cost of approximately \$15,000,000.

I appreciate the fact that the Army Engineers have not recommended the project. Why they have not recommended it I do not know, because I do know that they found the figures with reference to silt to be substantially as I said. The only adverse statement which has been made by them, so far as I know, is that it is principally a power project, and that a power project should not be put in at this time because there is not a market for the power.

I am not asking for the construction of the dam as a power project. I am not at all interested in it from that standpoint. I am interested in it from the standpoint of saving the Government of the United States money with reference to flood control, and for the purpose of protecting the residents of Forsyth, Mont., and all down the Yellowstone River, from the floods which they now have every few years.

Nothing has been done to prevent floods in that area. As I say, the town of Forsyth was under water just a few years ago. Serious damage has been done to these irrigation projects, but not a single thing has been done by way of prevention. The only reason why we are doing anything with reference to flood control in the eastern part of the United States and elsewhere is because a big flood occurred here. Apparently we are going to wait until we have another great flood along the upper Missouri before we do anything substantial along the line of flood prevention in that area. If there had been a flood out there which had washed away a lot of property within recent times, I presume there would not have been any hesitation at all about including this project in the bill at the present time, but nothing has been done about it.

I read from a memorandum furnished me by a competent engineer:

On page 165 of House Document No. 256, above mentioned, there appears the information that the average silt content of the Big Horn River passing Hardin, Mont., has been found by careful analysis to be 21,200,000 tons per annum, or 19,400 acre-feet. This 21,200,000 tons of silt (19,400 acre-feet) would have sufficient bulk to form a bar 400 feet wide, 1 foot deep, and 400 miles long.

This silt follows the course of the Big Horn River to its junction with the Yellowstone, thence to the Missouri, and on to the Mississippi. En route it may form bars, banks, or drifts, and a portion of it may enter irrigation works or other improvements along the streams; a menace, an aggravation, and a damage. It is always present once it has entered the stream until it has been disposed of or has passed into the Gulf of Mexico.

Another serious consequence of this silting is the building up of stream channels and particularly that of the (slower velocity) Mississippi River. This constant action materially decreases the available depth of flood channels and tends to minimize the effect of levee construction, materially increasing flood hazards. This action is continuous, and over a period of years the result is tremendous.

Direct removal of silt from the stream bed requires machinery, power, and a place for its disposal. A conservative estimate for this expense is at least 10 cents per ton. To remove the entire



21,200,000 tons would cost annually at least \$2,120,000, a sum twice as great as that required to prevent its continuous movement downstream.

Not only is the direct removal of the silt more expensive, but it does not remove the cause of the evil. Each year new silt takes the place of that removed, and the damage, the annoyance, the contribution to flood hazard, and the menace are ever present.

Construction of the dam provides a means of eliminating the silt at or near its source. It removes the cause of the trouble, and at half the expense of mechanical removal.

So, if we take the figures furnished me by this competent engineer, merely from the standpoint of silt control, the Government would save money if it should build this dam at a cost of approximately \$15,000,000. I read further from this memorandum:

The regulation of the stream flow—another decided benefit—will mean much to navigation on all streams below the dam. During the period of low water, especially July and August, the extra water may be used to great advantage. River navigation is gaining favor more and more. Its many economies for the moving of large quantities of slow freight are being recognized.

Two hundred thousand acre-feet of water could be used to great advantage during the low-flow months mentioned. Even 2,000 acre-feet per day (1,000 cubic feet per second of time) would provide a stream 200 feet wide, 5 feet deep, and with a velocity of 1 foot per second.

A barge 20 feet wide, 60 feet long, and drawing 4 feet of water could carry at least 250,000 pounds of cargo. That is three large freight-car loads.

The project would provide an immense amount of direct and indirect labor and assist operations of basic industries. Its effects would be far reaching.

As I pointed out a moment ago, this dam would pay for itself, from silt control alone, in less than 10 years, according to figures furnished me by a very competent engineer.

This project was investigated by Mr. Hugh Cooper, who is one of the most noted engineers in the United States. It was likewise investigated by General Goethals, also one of the most illustrious engineers in this country. It was approved by both Mr. Cooper and General Goethals from every standpoint.

I have here a memorandum on the subject. Mr. Koch says:

My original estimate on the project of the Big Horn Canyon Irrigation & Power Co. included railroad, irrigation canals, and transmission line and checked within about 5 percent of the estimate made on the same project and based on the same survey data, by George M. Wells of the firm of the late Gen. George W. Goethals.

He also makes the statement that the project was investigated by Hugh Cooper.

Mr. President, I sincerely hope the amendment may be adopted. I appreciate, of course, when I ask the Senate to adopt the amendment, that it has not the direct approval of the War Department at this time for inclusion in the particular bill now pending. But I submit that there is not another project in the western section of the country which has been investigated from an engineering standpoint as this Big Horn project has been investigated. There is not another project along the Missouri River or along the upper Mississippi River that has received the favorable report from noted engineers the Big Horn project has received. It was under investigation during the war in the administration of President Wilson, with the idea of the erection of a dam there to make possible the manufacture of nitrates. It was investigated at that time with reference to the erection of a dam compared with that at Muscle Shoals, but the officials finally decided to go to Muscle Shoals. So that as a matter of fact every feature of the dam has been investigated. Every engineer who has made a careful report upon it has stated that from the standpoint of the control of silt it would save the Government of the United States millions of dollars every year. Everyone who has investigated it from the standpoint of aiding in the navigability of the Missouri River and the Mississippi River has recommended it, and has said that it would be of tremendous assistance. Everyone who has investigated it from any standpoint has reported favorably upon it.

I appreciate the fact that the Army Engineers perhaps did not go into the matter as thoroughly as have some other investigators, but there has been tremendous agitation for this

project and tremendous interest in it as a flood-control project not merely this year but for the past 20 years.

The late Senator Kendrick, of Wyoming, was in favor of the improvement. He spoke to me of it repeatedly and was the first one to get me interested in the matter. He stated it was a project which ought to be built because of the tremendous good it would do. My late colleague, Senator Walsh, also advocated it and worked for it and desired to have it completed because of the flood-control feature. Just a few years ago, as I have said, when there was a flood along the Yellowstone River, irrigation projects were filled up with silt, and various sections in the southeastern part of the State were flooded.

For 2 years, because there has not been a flood in that particular area, there has been no particular agitation for this improvement. But it will be only a short time when there will be a large amount of snow in those mountains, and there will be another flood on the Yellowstone River; there will be damage to irrigation projects which are owned by the Government of the United States; towns along the Yellowstone River will be damaged, and here we have an opportunity to provide flood control in those immediate localities.

I would not be here asking that this amendment be adopted if it affected only one or two towns, but I say without fear of contradiction that there is not another project included in the pending bill which can be of greater benefit, taken as a whole, than the building of this particular project.

Some of the opposition to the project, of course, has always been because the power interests did not want to see it built on account of the fact that they were afraid that if it were built, power would be generated there, and that eventually cheap power would be furnished. But we are not asking for that. They have opposed it, they have been against it because of that fact, but I say that we are not asking for the improvement on the power basis at all. A statement has been made that it would develop 160,000 horsepower at a minimum, 384,000 horsepower at a maximum, under a 60-percent load factor. That is the information which has been furnished to me. But I am not asking for it upon that basis. I say that if it were desired to develop power, if there were a market for it, we could furnish cheap power and pay for the building of the dam from that source. But let us eliminate that, and consider the matter from the standpoint of the benefit to the farmers who are located upon the irrigation projects along the Yellowstone River; look at it from the standpoint of the people who are located in the towns along the Yellowstone River which have been repeatedly flooded; look at it from the standpoint of irrigating the lands of the Indians, who are wards of the Government of the United States. We are taking thousands of dollars out of the Treasury every year for the purpose of feeding those Indians and taking care of them.

The project may be made self-supporting.

Look at it from the standpoint of the silt which comes from the river, the millions of cubic feet of silt going into the Missouri River, and finally into the Mississippi River, which has to be dredged out, and it may be seen that by building the dam in question the Government will be saved considerable money in a period of 10 years' time, according to the report which I have received from the engineers.

Look at the project from the standpoint of erosion caused all along the Missouri River, where the floodwaters come down in the spring and carry away hundreds of acres of the most fertile lands along the Missouri River.

I challenge anyone to point to a project in the bill which, as a whole and from an economic standpoint, will do one-half the good the provision in question will accomplish.

When it is considered that the waters come down to the Missouri River and eat the heart out of hundreds of acres of land along the Missouri River, it will be realized that by the construction of the dam in question the farmers of the section will be spared the loss of that fertile land.

Look at the project from the standpoint of silt. The stream in question is the largest producer of silt of any stream in the



country. It produces about 36 percent of the silt which goes out of the Missouri River into the Mississippi River.

I hesitated to urge that the provision in question be incorporated in the bill because of the fact that the Army Engineers had not specifically recommended it. However, why should we be bound because the Army engineers have not specifically recommended it?

I appreciate the position in which the Senator from New York finds himself. He does not wish to have such a project as this in the bill because he feels that many other projects might be injected into the bill which should not be in it. I submit to the Senate, however, that no one can bring figures showing from an economic standpoint that any other project could accomplish more than could be accomplished by spending the amount of money involved in the pending amendment.

I know what I shall be told: "Let the Army Engineers go out there and make an investigation, and come back and make another report." They are supposed to have made their investigation. They have been out there; and if they have not completed the job, it is the fault of the Army Engineers. They should have made the report a long time ago. Other engineers have made their reports upon projects contained in the bill.

I challenge any Senator upon the floor to dispute the facts and figures which have been furnished by the most prominent engineers in the United States, including Hugh Cooper, who made an investigation of the project, and who is generally recognized as one of the outstanding engineers of this country, and by an engineer of General Goethals' firm, who made an investigation of the project a good many years ago, and by Mr. Koch, who also made an investigation of it, and by the Army Engineers, who made an investigation of it. The reason why they do not recommend the inclusion of this provision in the pending bill is because they say there is no market for power at the present time in that State at that particular place. Let us eliminate power.

Mr. NYE. No, Mr. President.

Mr. WHEELER. I think it should be included, but I say that for the purpose of this particular bill at this time I am perfectly willing to eliminate power. Let it be developed when the time comes when there shall be a market for it, as there will be a market for it. There will be a market for some of the power to pump water upon the lands close by in the State of Wyoming and in the State of Montana, and particularly upon the Indian lands.

When a project is presented on which engineers have brought out the facts, when the Army Engineers themselves have investigated it, when they have agreed with reference to the damage being done by the silt in the upper Mississippi and the Missouri Rivers, when no Senator can stand on the floor of the Senate and deny the fact that there have been floods all along the Yellowstone River, of which the stream in question is a branch, caused in the spring of the year from the floodwaters coming down from the Big Horn Canyon, what excuse can there be for excluding that project, while including in the bill many projects in various other sections of the United States which are not one-tenth so meritorious as is this particular project, except that the Army Engineers have said there is not a market for the power?

Mr. President, we are not proposing to build the project as a power project. We are proposing to build it for flood control. Incidentally, out of that flood control there will come some benefit to a great many Indians who are starving upon dry-land farms. We can provide some benefit to them and irrigate 138,000 acres of land upon which are living Indians who are now poverty-stricken, who are starving to death, except in those instances where they are given doles by the United States. Is there any reason why we should not try to save the farmers in the irrigated districts whose ditches are filled up with the silt from this river simply because the Army Engineers say there is not any market for the power? Is there any reason why we should not go ahead with this project simply because the Army Engineers say there is not any market for the power, when it is undisputed in the testimony that 36 percent of the silt coming into the

Mississippi River from the Missouri comes out of the Big Horn Canyon?

I am not offering the amendment for the purpose of home consumption, as some may think. I am intensely interested in the project, because I have given a great deal of thought to it. The late Senator Kendrick first interested me in the matter. He was thoroughly familiar with it, and knew more about it at that time than I did, by reason of the fact that he had holdings in that particular vicinity, and was entirely familiar with that section of the country.

Likewise, my late colleague from the State of Montana, [Senator Walsh], had made a study of the problem. I became interested in the project because of the floods which occurred. I became interested in it from the standpoint of the Indians who are located below this point, and some of whose lands become flooded. I am interested in it also because both the Mississippi Valley Association and the Missouri Valley Association recommended it as a part of their program in their last annual convention, which they held in the city of Washington, if I am not mistaken. They realized the benefits which will come to the upper Missouri and to the Mississippi Valley through the control of the waters, holding them back in flood season, and then letting them out gradually in the low-water time, so as to benefit navigation both upon the upper Missouri and upon the Mississippi Rivers.

Mr. COPELAND. Mr. President, I would not be a judge for a million dollars a year; and I certainly ought not to be a judge in the jurisdiction of the Senator from Montana, because, if I were, I should yield at once to his importunities and say, "On this occasion certainly you are right, and we must be governed accordingly."

As a matter of fact, Mr. President, all the Senator says about the project in its completed form is true. The whole statement is true. If there were a market for the power there could be constructed in this canyon a tremendous dam, 500 or 600 feet high, where electricity could be generated on a large scale. But there is no demand there for electricity. It could not be sold. It would simply mean a waste of money at the present time.

In the matter of the combination of power and flood control, I remind the Senator that we cannot have our cake and eat it, too. A reservoir which is intended to control floods, to catch flood waters, is one thing. It is expected that such a reservoir will be empty before the flood comes. A reservoir which is intended to develop power or irrigation must be a reservoir which is filled most of the time. In writing this bill we have tried to make it possible to develop a project for power purposes in the future if it shall be demonstrated that a given project is worthy of development for power purposes. We have sought to make such development possible by including a pen stock in every dam which is built in order that the water may be drawn from it in the future if the dam shall be raised for power purposes.

The particular project referred to so eloquently by the Senator from Montana, however, is, in the last analysis, valuable as a power project. As a flood-control project, I am sorry to say that the Army Engineers have reported that it has very little value so far as economic merit is concerned.

To prepare this reservoir for flood-control purposes would cost \$23,934,000, practically \$24,000,000. The total capitalized benefit would only be \$1,000,000. In other words, economically there would be \$1 of investment to 4 or 5 cents of return.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WALSH. I should like to inquire of the Senator about the general construction of the bill rather than as to the proposition presented by the Senator from Montana.

As I understand, this bill has two main features relating to flood control. First, there are proposals for surveys and studies by the Army Engineers of a large number of rivers where there may be a flood-control problem.

Secondly, there is an authorization of an appropriation by the committee in cases where surveys have been made



and the Army Engineers have recommended the expenditure of money to carry out the plan for flood control which they have perfected.

Mr. COPELAND. The Senator is correct.

Mr. WALSH. May I ask if it is customary to accept amendments or to have amendments offered from the floor to provide for surveys by the Army Engineers independent of the recommendation of the committee?

Mr. COPELAND. Yes; we will be glad to receive such amendments.

Mr. WALSH. May I ask if the committee itself reports or recommends or inserts in the bill appropriations for flood-control purposes in instances where the Army Engineers have not made a recommendation?

Mr. COPELAND. No, sir.

Mr. WALSH. And in cases where the Army Engineers have made unfavorable recommendations, what is, then, the situation?

Mr. COPELAND. There is in this bill no project which has not been approved by the Army Engineers.

Mr. WALSH. There are proposals in the bill presented by Members of the House and Senate for surveys and studies?

Mr. COPELAND. That is very true. We also provide in the bill an appropriation of \$5,000,000 to carry out such surveys and studies.

Mr. WALSH. The Senator has answered my inquiries and has supported the idea which I already entertained as to the method of constructing a bill of this kind.

Mr. COPELAND. Mr. President, just one word more, not alone because of the high regard we have for the Senator from Montana but because he has made touching reference this afternoon to two former colleagues of ours, the late Senator Kendrick, of Wyoming, and the late Senator Walsh, of Montana. Theirs are names to conjure with in this body, names of men greatly beloved and highly respected. I know of the interest they had in this matter because as a long-time member of the Commerce Committee I myself have heard of this project for many years, for at least a dozen years, and when the time comes that there is demand for power, when the time comes that irrigation as well as flood control may be promoted by this project, the Senate, I feel confident, will not be found wanting.

The Senator has spoken about silt. He must not forget the fact that a dam or reservoir which will retain silt will itself become filled up in time, so that whatever value it might have through the early years of its life by way of preventing the silting of the Missouri River must eventually be lost, because the reservoir itself will fill with silt.

I am sorry, Mr. President, that the committee cannot approve the project of the Senator from Montana.

Mr. VANDENBERG. Mr. President, this is the first amendment to the bill that has come from the floor, and we might as well face now the question which must be continuously faced if the door is to be opened to amendments of this character which do not enjoy the recommendation of the Board of Rivers and Harbors Engineers.

It makes no difference what the inherent merit of the proposal may be, unless we are going to follow a fixed rule in respect to a bill of this nature it is inevitably going to become a monstrosity. I do not mean by that statement that the Senator's project would make it a monstrosity or anything of the sort, but if we once lower the bars to projects from the floor which do not have a conclusive recommendation from the Board of Rivers and Harbors Engineers, by the time this bill shall be finally written, instead of being a \$300,000,000 bill, it will be a \$3,000,000,000 bill.

On the desk of the chairman of the committee is a volume of projects already surveyed, the cost of which would total \$8,000,000,000. In addition to the projects in that book, there are projects involving the expenditure of literally billions upon billions of dollars which have not as yet reached the book. If we are going to open the door in connection with this bill to the entry of projects which do not fall within the definite and specific rule of the committee upon which the bill is written, we will not close the door again

until we have put about half of that book into the bill, and beyond that heaven only knows how much more.

Legislation of this character is always under the suspicion of being "pork barrel" legislation in its ultimate complexion. The Commerce Committee, under the able direction and insistence of the senior Senator from New York [Mr. COPELAND], has undertaken to hold this bill, for a change, within definite and specific and absolutely justifiable limitations. The project submitted by the Senator from Montana may not fall appropriately within any stricture whatsoever of the nature I have been indicating, except the single stricture that it violates the rule upon which the bill is written; but if the Senate once starts, in open session, to decide the eligibility of a project for this bill, instead of depending upon the conclusive recommendations of the Board of Rivers and Harbors Engineers, we are "sunk without trace", and so is the taxpayer.

Somewhere, sometime, somehow, somebody has got to remember that these bills must one day be paid. It is simply impossible for the Congress to continue to appropriate and appropriate without giving any thought whatsoever to closing the breach between income and outgo. We have already passed one \$270,000,000 flood-control bill at this session of the Senate. This bill, as drawn, includes \$350,000,000 more.

How much further can we go in these steps in the face of a yawning Treasury, in the face of the fact that we are still paying out \$2 for every dollar we take in, in the face of the situation that the public credit even of such an opulent old gentleman as Uncle Sam, cannot indefinitely stand the strain. We seem to have lost all sense of money responsibility. There must be some continence some time in respect to this sort of a proposition. Unless we confine, Mr. President, the flood-control bill to the general rule of conduct faithfully pursued by the Committee on Commerce in presenting the recommendation now at the bar of the Senate, when we are through, this bill, I repeat, will be a legislative monstrosity. I say again that that may not apply to the merits of the proposition submitted by the Senator from Montana at all except to the extent that his proposition falls outside the rule. But that is enough. I submit we dare not consider the proposition submitted by the Senator from Montana upon its intrinsic merit. We dare, in the face of this situation, consider it only as a precedent which may ultimately wreck the entire legislation. I think the amendment must be rejected.

Mr. WHEELER. Mr. President, I have never been afraid to have amendments submitted on the floor of the Senate. If the Senate does not have the courage to stand up and vote for projects which it thinks are good and to vote down projects which it thinks are bad, then the Senate is in a pretty bad way. I have more confidence in the Senate of the United States and in the Members of the Senate than has my esteemed colleague from Michigan [Mr. VANDENBERG].

After all, we do not vote ordinarily on projects of this kind in this way. We have a river and harbor bill every year, and the Senate adopts amendments offered on the floor when in its judgment and wisdom it thinks proper that they should be adopted. But why say to a Senator, "You cannot have a project considered, because it was not put in the bill by some committee", regardless of how meritorious the project may be? Has it come to pass that we may not offer an amendment on the floor of the Senate, or, if offered, it must be rejected, because some committee did not put it in the bill? Is the Senate going to be controlled by a committee? Is it going to be said, "You cannot offer an amendment on the floor of the Senate no matter how meritorious it may be"?

If such a rule were to apply, where would the minority be in the Senate? Where would the minority in the Senate, whether Republican or Democratic, find itself if it could not come to the floor of the Senate and have meritorious amendments considered? Are we going to set up an oligarchy of committees in the Senate? When a bill is reported from the Interstate Commerce Committee, I am always delighted to have a Senator rise and offer an amendment which he may



think is meritorious and have it considered upon its merits on the floor of the Senate. I am surprised that the Senator from Michigan should say that, no matter how meritorious it may be, it should not be acted upon by the Senate, because the rule must not be broken down.

Let Senators examine the bill and see where the money is going to be spent. I assert without much fear of contradiction that there are few, if any, projects contained in the bill which have the merit, from an economic standpoint and from a beneficial standpoint, that has the project which I have proposed. Yet the Senate is asked to turn it down for fear someone else might rise and offer another amendment and the Senate might adopt it. I am to be refused my project because some committee has said, "We will include only these projects and you must take these or you must take nothing."

Mr. President, because a number of Senators have projects in the bill I presume I am to be denied. I presume denial is to be offered to the Mississippi Valley Association, which is in favor of the bill, which has made a study of the particular project and advocated it for years and passed upon it in national convention and pronounced it beneficial, not to Montana alone, but beneficial to the Missouri River because it will help to stop soil erosion. Denial is to be offered the Missouri Valley Association which for years has been giving study to the project and has pronounced it beneficial not only from the standpoint of flood control but because it involves silt control.

Let me call attention again to the statement which has been furnished me. The engineer who first made report upon this project was A. W. F. Koch, a local civil engineer. His work was subsequently checked and approved by Hugh L. Cooper, noted water-power engineer, not by some promoter, not by somebody looking to the sale or the promotion of the sale of some land. There is no land-promotion scheme involved in the matter at all. My information is the flooded area would take only Government lands or Indian lands. This report was checked by Gen. George W. Goethals and by several other engineers.

Does the Senator from Michigan think that any other project has behind it such a distinguished array of engineers and such a distinguished array of organizations asking for its construction, not because it is for the benefit of Montana but because of the general good and general welfare of the Mississippi and Missouri Valleys?

The report further says:

During the World War the Government considered this project in connection with the domestic manufacture of nitrate, but the Muscle Shoals, Ala., site was eventually chosen.

Mr. President, I have always found the Senator from New York [Mr. COPELAND] interested in and willing to help projects of benefit to Montana and the West. He has been most generous in voting for legislation which was beneficial to the western section of the country, notwithstanding the fact that he comes from New York. I appreciate and compliment him upon his generosity. I appreciate the position he takes in this matter, because he is fearful that if this project should be adopted other Senators might ask to have other projects included. However, when he speaks of irrigation I am sure he is talking about a subject with which he is not very familiar. That is apparent from his statement made a moment ago. When we contemplate an irrigation project we plan to keep the floodwaters back in the spring of the year and then gradually let the waters down on the land in periods of dry season.

I have noticed the Senator from New York has always been interested in the Indians and in their welfare. I think no one on the floor of the Senate, particularly from the eastern part of the United States, has evinced more interest in various Indian problems than has the Senator from New York. There are 138,000 acres of land upon the Crow Indian Reservation that could be irrigated, and this project, if constructed, would tend to help make those Indians self-supporting. That would be only an incident to the project.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New York?

Mr. WHEELER. Certainly.

Mr. COPELAND. The Senator is entirely right in stating that what I know about irrigation is very little. However, I have here the report of the Army Engineers about irrigation. I dislike to say it, because it will not make the Senator from Montana very happy; but let me read just one brief paragraph appearing in this report:

Studies indicate that it is possible to combine irrigation with the development of power at the Big Horn Canyon site. The Big Horn irrigation project would involve the reclamation of 50,100 acres of land through a distribution system drawing its water supply from the proposed Big Horn Reservoir.

The estimated cost of the diversion work, without any charge for the storage and diversion of water, would be about \$100 per acre. This cost would indicate annual payments of about \$11 per acre under private financing, or about \$4 per acre under Government construction. The lowest of these is in excess of the maximum of \$3.50 per acre, which it is estimated that the land could probably carry. The studies, therefore, show that the power development would have to carry the cost of storage, and probably a part of the cost of the distribution system; that the irrigation development itself would probably pay nothing toward the cost of the dam. Furthermore, the use of water for irrigation would reduce the value of the total output of the power development, and appears to lack economic justification at the present time.

Mr. WHEELER. Mr. President, the Senator would be entirely right, and the Engineers would be entirely right, if it were proposed to build this dam as an irrigation project; for if we should provide that the entire cost of building the dam should be borne by these fifty or sixty or one hundred thousand acres of Indian land, of course it would not be feasible as an irrigation project. The bill, however, carries a total of how many million dollars?

Mr. COPELAND. Three hundred million dollars.

Mr. WHEELER. How much of that money does the Senator expect the Government to get back?

Mr. COPELAND. Of the \$300,000,000? Not any.

Mr. WHEELER. The Senator does not expect to get any of it back?

Mr. COPELAND. No.

Mr. WHEELER. The bill carries \$300,000,000, and the chairman of the committee does not expect that one 5-cent piece of it will come back to the Government. What I am saying is that out of the \$15,000,000 that it would be necessary to spend for this dam for flood control, it is estimated that there could be irrigated anywhere from 30,000 to as high as 150,000 acres of land. When we provide for the irrigation of from 30,000 to 150,000 acres of land what are we doing? We are adding to the capital assets of our Nation; and not only are we doing that, but we are making it possible for a group of persons who are now dependent upon the Government for their livelihood to become self-supporting.

If it were proposed to build this dam as an irrigation project, of course, I should say that it was not feasible for that purpose alone, but when we are spending \$300,000,000 that it is admitted we shall never get back—in fact, we never intend to get a dollar of it back—I say that there is a project from which, if we spend \$15,000,000 on it, we shall get back part of the cost from irrigation. We shall be able to build a power project, if we desire to do so, and get back part of our money. In addition to that, we shall be saving the farmers from floods; we shall be saving the Government irrigation ditches all down the valley from being flooded, and not only that, but we shall be adding to flood control and navigation upon the Missouri and the Mississippi Rivers.

I desire to call the attention of the Senator from Louisiana [Mr. OVERTON] to the fact that the Engineers state in the report that 36 percent of the sediment flowing from the Missouri River into the Mississippi River comes from the Big Horn Canyon, and that the expense of buying the necessary machinery and dredging that sediment amounts to millions of dollars every year. Of course, I appreciate that the Senator may not be interested in the amendment, but if he will look at the figures which have been furnished to me, and which I have put in the RECORD, with reference to the



sediment that goes into the Missouri River from this particular river, I am sure he will agree that his people will be interested in the amendment, because the Mississippi Valley Association, which has studied the problem, has gone definitely on record in regard to it, and the Missouri Valley Association has gone definitely on record in favor of the project, not because of irrigation, not because of power, but because of flood control, and because it will help navigation on the Missouri and the Mississippi Rivers.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. OVERTON. I wish to say that we in the lower Mississippi Valley are interested in the project referred to by the Senator from Montana, and in similar projects. We look upon these reservoirs as additional factors of safety. We feel that they afford additional protection to us; that the more that are built the less danger we encounter in the valley and the less necessity there is for the use of the floodways that have to be constructed in the valley.

It must be apparent to the Senator from Montana, however, that these projects are highly technical in their nature; and in the perfection of the bill the members of the Commerce Committee had to depend very largely, and, in fact, exclusively, upon the recommendations of the Army Engineers. I personally should have liked to have included in the present omnibus bill many projects in Louisiana that are divorced from the flood-control problem of the Mississippi River proper; but so long as I could not obtain the recommendation of the Army Engineers, I concluded not to urge them either before the committee or upon the floor of the Senate.

I will say to the Senator from Montana that in the event his project should be adopted, there is no reason why we should not consider many other projects scattered throughout the Nation from the Atlantic to the Pacific and from the Dominion of Canada to the Gulf of Mexico. It is utterly impracticable for us to do that upon the floor; and I will go further and say that I think it is rather impracticable for the Commerce Committee, which had the bill under consideration, to consider those problems independently of the recommendations of the Army Engineers and against their report.

Mr. WHEELER. I appreciate the position which the Senator from Louisiana has taken; but I repeat what I said a moment ago: There are many other projects in my State which of course I should like to see incorporated in the bill, but no other project has been proposed on the floor of the Senate or before the Commerce Committee which has had the investigation which this project has had. I challenge any Senator to show another project which has had the engineers' reports which this project has had. Mr. Hugh L. Cooper—who, as I said a moment ago, is a well-recognized engineer—reported on the project a long time ago. An engineer of General Goethals' firm reported upon the project. The Army Engineers have made an investigation of it; and the only reason why they say it should not be included in the bill is because they say there is not any market for the power.

I am not asking that the project be constructed as a power project; but let me ask here, Why should the Senate refuse to consider projects simply because the Army Engineers do not recommend them, when we have before us the facts and figures regarding the projects?

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. WHEELER. I yield to the Senator from Georgia.

Mr. RUSSELL. I heartily agree with the Senator from Montana in that suggestion. I see no reason on earth why a worth-while, meritorious project should be proscribed by some rule of the committee because it has not been recommended by the Army Engineers. I am all the more interested to know the source from which the rule emanates. Now, at a time when charges are being made that Congress has abdicated its constitutional responsibility and is delegating its legislative powers, and is, in fact, a mere rubber stamp, we hear it stated that Congress has no right whatever

to legislate on a matter unless it is approved by the Board of Army Engineers. Therefore in its last analysis it would delegate to them the sole right to write this bill and the sole power of determining as to what is or what is not a meritorious project.

Mr. WHEELER. Of course, if we are to do that, there is no reason why we should not be branded as mere rubber stamps.

Mr. RUSSELL. Of course not.

Mr. WHEELER. If we are simply to let some Army engineer come here and say, "You can put this in the bill, but if we do not recommend it, you cannot put it in on the floor of the Senate"; if that is to be the rule of some committee, if we have not the courage and the intelligence to stand here on the floor of the Senate and write legislation, if it is meritorious, and adopt it if it is meritorious, regardless of some Army engineer's report, then we ought to be branded as rubber stamps.

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER (Mr. MURPHY in the chair). Does the Senator from Montana yield to the Senator from New York?

Mr. WHEELER. I yield.

Mr. COPELAND. Mr. President, the Army Engineers brought us their findings, and it did not take a Philadelphia lawyer to determine whether or not this project was economically justifiable. Assuming that the Army Engineers have told me the truth as to the facts, and leaving it to my own brain to formulate a conclusion, I can determine for myself that this project which is being so ably presented by the Senator from Montana is not economically feasible. I have no doubt that if the galleries were to vote they would vote the Senator 100-percent right; they would vote with the Senator. But I intend to vote once in a while with the taxpayers.

What right have we to expend \$23,934,000 when the benefit which would be derived would be \$1,000,000? I do not have to have an Army engineer to tell me that that is a bad investment. I have made enough bad investments myself to recognize one when I see it, and I would say that it would be an unwise investment to spend \$24,000,000 in order to get a million dollars return a year. I know that much about bad investments.

Mr. WHEELER. Mr. President, let me say to the Senator that he has just stated that we will be spending \$300,000,000 as a result of the pending bill, and do not expect to get a 5-cent piece back.

Mr. COPELAND. Mr. President, will the Senator yield to me further?

Mr. WHEELER. I yield.

Mr. COPELAND. We will spend \$300,000,000 under the pending bill. In the "Golden Triangle" of Pittsburgh alone the last flood cost the people \$200,000,000. In my State the flood cost the people \$40,000,000. We are not going to get this money back, but in the savings to the people, in the saving of lives of our citizens, there is going to be a great annual return. But there is no economic justification in the case eloquently presented by the Senator from Montana. Every one of his constituents must know he has properly represented them, and if there is any doubt about it, when he runs again, I will go out to his State and tell the people how the Senator tried to get these millions of dollars for them. There is, however, no economic justification for the project at this time. We could find many projects—and they are listed in the book I hold in my hand to the amount of \$8,000,000,000—which have been surveyed by the Army Engineers, and on about five or six billions dollars' worth of those projects the returns would be about 8 cents for \$1 invested. On the project the Senator is advocating the return would be lower than that. So I hope the Senator will not press the matter, since it is utterly beyond the bounds of reason that the Senate should adopt the amendment, because if this amendment were agreed to the junior Senator from Ohio [Mr. DONAHAY] would have a right to present amendments covering several projects in his State, and I



could name a hundred projects, from my memory, which ought to go into the bill if we agreed to this amendment. But we have no right to invest millions of dollars of the taxpayers of the United States where the return would be 3 or 4 cents on the dollar invested.

Mr. WHEELER. Mr. President, I am utterly amazed at the statement that there would be a return of only 3 or 4 cents on the dollar. I thought I had made the matter quite clear to the Senator, and I challenge the Army Engineers who advised him to make that statement in writing to me or to anybody else that there would be only that return. They are talking about irrigation. The Senator is saying that \$300,000,000 is to be spent under the bill, and that the Government will not get one cent of return on that investment, but he says there will be a saving of millions of dollars to the people of Pennsylvania, to the people of New York, to the people of Mississippi, to the people of Arkansas, and to the people of other States, and I agree with him. But I say to the Senator that floods have occurred on this river in Montana, and the Mississippi Valley Association, the Missouri Valley Association, and all who have examined into the matter, have said that regardless of the question of power, regardless of irrigation, this improvement ought to be completed as a flood-control proposition. There can be no dispute about that. There is not a question of a doubt about it, and in my judgment, the Army Engineers will not dispute my statement. When they investigated the matter they investigated it from the standpoint of a power project, and they reported upon it from the standpoint of irrigation and power.

Of course, if this were to be built as an irrigation project, and it was expected that the owners of thirty or forty thousand acres of land would pay back to the Government of the United States the \$15,000,000, I would not be foolish enough to stand on the floor of the Senate and say that could be economically justified. That is not the idea. But I call attention again to the fact that the Big Horn River is the greatest silt producer in the entire Missouri River Valley. It discharges at Hardin, Mont., 42 miles below the site of the proposed dam, 12,900 acre-feet of sediment annually. By way of comparison, the sediment flow of the upper Missouri River at the site of the Fort Peck Dam, now under construction, is 2,225 acre-feet, about one-sixth as much.

The Yellowstone River furnishes 61 percent of the waters carried by the Missouri River after its junction with the Yellowstone. The Big Horn River discharges approximately as much water as does the Yellowstone in a year, but at the time of the heavy spring discharge most of the silt is carried down. Of the silt discharged by the Yellowstone into the Missouri approximately four-fifths comes from the Big Horn.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. COPELAND. I do not desire to prolong the debate, but I want an effective answer made in order that the historian of the future may know that there was an answer.

This is what we learn about the silting of reservoirs: The Yellowstone River is, as the Senator has argued, a heavy contributor to the burden of silt carried by the Missouri River, and the Big Horn contributes about one-half of the silt load of the Yellowstone. We are in full agreement on that.

Investigations of the silt burden of the Big Horn have indicated that the average annual discharge of silt passing Hardin, Mont., is about 21,200,000 tons. Based on these estimates it was found that the ultimate silting of the Big Horn Reservoir of 830,000 acre-feet capacity would occur in approximately 64 years, and its capacity would be seriously impaired in a shorter time if no desilting works were in operation.

It also appears that the value of retaining this silt in the Big Horn Canyon Reservoir and preventing its deposit in the lower Yellowstone and Missouri Rivers would not be large, and that this benefit would be more than offset by

the decrease in value of the reservoir itself due to progressive silting.

The Senator knows I am not an authority on irrigation, nor is the Senator from Montana an authority on silting, but those who are authorities say that the silting argument which the Senator is presenting to us is worth just 4 cents on the dollar, and no more.

Mr. WHEELER. The Senator is speaking now merely of silting.

Mr. COPELAND. I make the same argument about everything else.

Mr. WHEELER. The Senator is saying 4 cents as to silt, and 4 cents as to something else, and 4 cents as to something else. I give due credit to the Army Engineers, but I say to the Senate that in their statement they disagreed with other engineers, according to the information given to me, with reference to the silting.

I now read as follows from a report made by an engineer:

The Big Horn and Yellowstone Rivers furnish 61 percent of the water carried by the Missouri River after its junction with the Yellowstone. The Big Horn River discharges as much water as the Yellowstone, approximately, in a year, but at the time of the heavy spring discharge is when most of the silt is carried down. Of the silt discharged by the Yellowstone into the Missouri approximately four-fifths comes from the Big Horn. Stoppage of floodwater means stoppage of silt. The proposed dam would check this menace to the people of the Missouri and Mississippi Valleys close to its source. The cost of pumping the sediment chargeable to the uncurbed flow of the Big Horn when it has reached the mouth of the Missouri (estimated at 72,240 acre-feet) amounts, at 4 cents per ton, to \$4,677,463.

That is where the Senator from New York gets his figure of 4 cents, I assume.

If this silt were removed at its source it could be done at an estimated cost of only \$1,169,365, or at an annual saving of \$3,508,098. This cost could be still further reduced by use of power from the dam at peak periods. This saving alone represents big interest on the investment.

Will the Senator dispute those figures? I am sure the figures which the Senator from New York quoted do not show the amount saved. The engineer who prepared this report agrees with the Army Engineers as to the amount of silt, but he states that the cost of taking out the silt at the mouth of the Missouri would be about 4 cents per ton, which would equal \$4,677,000, and if the silt were disposed of at the dam it would cost \$1,169,365, or an annual saving of \$3,508,098 on an investment of approximately \$15,000,000.

I am not going to take up further time of the Senate with reference to the amendment, but I sincerely hope it will be adopted. I say that not a valid argument has been presented against it. No reason has been shown why it should not be adopted in this program for flood control. When it is said that there will be no interest return upon the investment if \$15,000,000 shall be invested in the project, and that none of the money expended upon the project will be returned, I say that not only are the lives of people going to be saved, as well as land, and an important step will be taken in flood control of the Mississippi and the Missouri Rivers, but the United States Government will get back money expended upon this project, while it is admitted that there will be no return of much of the \$300,000,000 which is to be spent upon other projects.

Mr. O'MAHONEY. Mr. President, I offer a perfecting amendment, which I ask to have stated.

The PRESIDING OFFICER (Mr. MURPHY in the chair). The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to add the following proviso to Mr. WHEELER's amendment:

*Provided*, That any dam to be constructed out of this appropriation shall be so located as not to include privately owned lands within the boundaries of the reservoir.

Mr. WHEELER. I accept that amendment.

In conclusion, let me say that I hope the Senate will adopt my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana [Mr. WHEELER], as modified, to the amendment of the committee.



Mr. CLARK. Mr. President, I do not desire to delay the vote on the amendment of the Senator from Montana for longer than a moment. The subject happens to be one in which everyone who lives in the lower Missouri Valley or the lower Mississippi Valley is as much interested as is a citizen of Montana.

In company with the Senator from Nebraska [Mr. NORRIS], the Senator from Montana [Mr. WHEELER], and five or six other Senators, I was one of those who went to the White House a couple of years ago to urge the construction of the Fort Peck Dam in Montana, not because I was particularly interested in a construction in Montana but because, both from the standpoint of navigation and from the standpoint of flood control on the Missouri River, I regarded that as a project which concerned us as much as it did the citizens of Montana.

The Senator from Montana has debated the subject so ably this afternoon that I do not feel it necessary to repeat what he has said, except to bear witness, as a Senator from a State which the Missouri River traverses for its whole width and which forms one-third of its western boundary, that the Big Horn Reservoir which the Senator from Montana has been advocating concerns the States of Iowa, Nebraska, Kansas, Missouri, and all the States which border the lower Mississippi, to the same extent that it concerns Montana.

I believe, in accordance with the views frequently expressed by the President, that one of the great preventives of floods is an intelligently planned and constructed system of reservoirs on the larger tributaries of the major streams. I am certain, from reading the reports of the engineers, that the construction of the dam advocated by the Senator from Montana would not only be of great advantage to his own State but would be of great advantage to every State through which the Missouri and the lower Mississippi flow.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Montana to the committee amendment.

Mr. COUZENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	King	Pope
Bachman	Couzens	La Follette	Raddcliffe
Bailey	Davis	Logan	Robinson
Barbour	Dieterich	Loneragan	Russell
Barkley	Donahey	Long	Schwellenbach
Benson	Fletcher	McAdoo	Sheppard
Bilbo	Frazier	McGill	Shipstead
Black	George	McNary	Smith
Bone	Gerry	Maloney	Steiwer
Borah	Gibson	Metcalf	Thomas, Okla.
Brown	Glass	Moore	Townsend
Bulkley	Guffey	Murphy	Truman
Bulow	Hale	Murray	Vandenberg
Byrd	Harrison	Neely	Van Nuys
Capper	Hastings	Norris	Wagner
Caraway	Hatch	Nye	Walsh
Chavez	Hayden	O'Mahoney	Wheeler
Clark	Johnson	Overton	White
Connally	Keyes	Pittman	

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present. The question is on agreeing to the modified amendment of the Senator from Montana [Mr. WHEELER] to the committee amendment in the nature of a substitute.

Mr. COPELAND. Mr. President, I call the attention of the Senate to the fact that we had a flood-control bill before the Senate at the last session, and we did what is now proposed to be done: We started and let one project go in that had not been approved by the Army Engineers; and when we got through we had \$770,000,000 worth of projects in the bill. Of course, after the speech of the Senator from Maryland [Mr. TYDINGS] we were all ashamed; and the bill was recommitted, with the understanding that when it came out again it should come out in proper form.

Mr. President, the committee has stood for weeks and for months against the inclusion in this bill of any project which has not been approved by the Army Engineers. As merito-

rious as this project is, in the future, when the time comes with the growth of population in Montana that the power can be used, there will be constructed in that canyon a great dam; but at the present moment, according to the report of the Army Engineers, the project is without merit, and is economically indefensible.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. CLARK. I will say to the chairman of the committee of which I am proud to be a member that he is entirely correct in saying that we started out in the preparation of the bill to follow the recommendations of the Army Engineers. Today, however, by a vote of 40 to 31, the Senate pitched the Army Engineers out of the window by the scuff of the neck and the slack of the breeches. Having offered that committee amendment, it seems to me it is rather late in the day for the chairman of the committee to be coming back and talking about the recommendations of the Army Engineers.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield to the Senator from Kentucky.

Mr. BARKLEY. What the Senate did today was simply to allow the President to exercise his discretion with respect to projects which the Army Engineers had approved. We did not kick the Army Engineers out of the window. We simply reinforced them by the discretion we gave to the President.

Mr. COPELAND. Mr. President, if by any mischance the Senate should adopt this amendment, I shall have no excuse, as chairman of the committee, for resisting the inclusion in the bill of any amendment which may be offered, regardless of whether or not the project has been approved by the Army Engineers; and by this time tomorrow we shall have a bill like the one which was sent back to the committee last year after the speech of the Senator from Maryland.

I sincerely trust that the amendment offered by the Senator from Montana will be rejected.

Mr. WHEELER. Mr. President, when the Senator from New York says that the Army Engineers have reported adversely on this project and say that it is economically unsound and unfeasible, I submit that there is no statement to that effect in the record.

When the Army Engineers examined the project they examined it with reference to power as a power project. As such they said that there was not sufficient market for the power. I am not asking for its inclusion in the bill as a power project. Furthermore, as the Senator from Missouri [Mr. CLARK] says, this is not a Montana project. Every Senator and every Representative from States along the Missouri and the Mississippi Rivers ought to be interested in the project, because both the Mississippi Valley Association and the Missouri Valley Association, which have investigated the project and had engineers investigate it, have approved it as a flood-control project for the control of silt and for the control of the flood waters of the upper Mississippi, and the President of the United States, in speeches in my State and at other places, has said that the proper place to control the floods of these rivers is in the upper tributaries.

In view of the fact that the project has been approved by many engineers, including some of the most noted engineers in the country—they have passed upon it and checked it and approved it—I think it is unfortunate that the chairman of the committee should take the position that if the project is included in the bill he will throw down the bars and let in every project throughout the United States. This is not a Montana project. It is a project which affects the whole interior country along the Missouri and the Mississippi Rivers. As the Senator from Missouri said, the matter was called to my attention by the Missouri Valley Association. It was called to my attention by the Mississippi Valley Association. The late Senator Kendrick was interested in it. My late colleague, Senator Walsh, was vitally interested in it for years. It is a flood-control project. That is all we are asking for. Incidentally, a few Indians will obtain



some benefit from it, if we wish to have that done. We do not have to do it, but we can irrigate the Indian land, as I pointed out, and save the Government some money by making the Indians self-supporting, at very little cost.

It has been stated that the project will cost too much. If we should put upon the Indians the full burden of paying back to \$15,000,000, of course, we could not construct this dam as an irrigation project; but in this bill we are providing for the expenditure of \$300,000,000, of which we are not going to get back a dollar. I am asking that we spend \$15,000,000, not for the benefit of my State, but for the benefit of the States bordering upon the Missouri and the Mississippi Rivers. Every one of them, and every association connected with the navigation of the rivers, and every association connected with flood control along the rivers is in favor of the amendment and has recommended it.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WHEELER. Yes.

Mr. CLARK. Is not the project advocated by the Senator exactly the same as that exemplified in the case of the Connecticut Valley, where the construction of reservoirs in New Hampshire and Vermont will redound to the benefit of the people of Massachusetts and Connecticut; also the project contained in the bill for building reservoirs in the State of New York for the purpose of benefiting the people of Pennsylvania and the lower Susquehanna Valley?

Mr. WHEELER. Of course it is.

Mr. CLARK. In other words, the location of the dam or the reservoir has not necessarily anything to do with the benefits to be derived from it, because they may be derived in some other State, on a much lower stage of the river.

Mr. WHEELER. Of course. As I said awhile ago, the power interests of the country have been opposed to the project, because they have said some cheap power might be developed there; and the Army Engineers investigated the proposal from the standpoint of power. One of the great railroad systems of the country investigated it a few years ago, and planned to build the dam for the purpose of obtaining cheap power for the electrification of their railroad. I desire to say here and now that they would have built the dam if it had not been for the fact that they found some cheap coal in that vicinity which they could shovel out. It is going to be only a question of time, however, before the power will be used; and if we build a dam—I am not asking that it be done now—some of the transcontinental railroads which desire to electrify their lines will buy the power for that purpose from the Government of the United States, and in the long run the dam will not cost the Government one 5-cent piece.

As I pointed out, the construction of this dam will not only help the State of Missouri and the State of Iowa and all the States along the Mississippi and the Missouri Rivers, but a few years ago we had floods along the Yellowstone River that flooded out the town of Forsyth; we had floods there that flooded out the irrigation ditches of the farmers along the Yellowstone River; and, notwithstanding anything that has been stated on the floor of the Senate, I say there is not a flood-control project that could be built that is more meritorious or that would help more people in more States of the Union than the construction of this dam at a cost of approximately \$15,000,000. Why? Because it is to be built in a very deep canyon, and, incidentally, one of the most gorgeous canyons in the Northwest outside of the Yellowstone. It is to be built in a very deep canyon, a very long canyon, and the dam will flood only public lands and some Indian lands; so that there will be no cost to the Government of the United States for the lands flooded. I hope the amendment will be adopted.

Mr. MALONEY. Mr. President, I dislike very much at this late hour to take the time of the Senate on this amendment; but the Senator from Missouri [Mr. CLARK] stated that this situation is in some way comparable to the situation in the Connecticut Valley.

I am among those who hope the amendment will be defeated. During the last session of the Congress, while the Connecticut Valley was considered in the omnibus flood-

control bill, there was, with malicious forethought—and I joined in the effort—a successful attempt made to defeat the then pending flood-control bill. I quite agree with the statement of the chairman of the committee and with the remark of the Senator from Michigan that the adoption of this amendment will defeat the bill this year. It is not being done with malice aforethought this time. It is being done because of the patriotic spirit of the Senator from Montana; and I do not think there is a question in the mind of any member of the Commerce Committee about the merits of this particular proposal.

Together with the Army Engineers, we considered proposals from every part of the country. No State was overlooked. Members of the House of Representatives came before us in very great numbers on more than one occasion. We felt the need of a restraining influence, because we had continuously in our minds the experience of last year, the criticism of the country, the criticism in the Senate of the proposal made at that time.

I wish to add my humble and feeble plea to what was said by the Senator from New York [Mr. COPELAND] and the Senator from Michigan [Mr. VANDENBERG]. Although the amendment has merit, if it should be agreed to I do not think there would be a chance to turn down any of the other proposals which would follow.

Mr. President, let me take just sufficient time to answer the reference made to the Connecticut Valley. We do not think we have received sufficient consideration. Ours was one of the dramatic flood areas of the recent disastrous inundation. The Army Engineers, after making a survey of the Connecticut Valley, recommended 39 reservoirs. The pending bill provides for only 10.

Despite the loss of millions and millions of dollars as a result of the flood in the Connecticut Valley, and despite the great loss of life, the appropriation to protect us against a future flood amounts to only \$13,000,000, and we are very cheerfully, willingly, and anxiously making plans to pay our share of the cost.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. CLARK. The Senator will recall that when the matter was before the Senate Committee on Commerce the Senator from Connecticut himself proposed that there be a different rule established as to local contributions, that areas which had been dramatically damaged during the recent flood should not this year be required to pay any portion of the cost of permanent works but that that should not be taken as a precedent, and that in the future those not dramatically included in this dramatic incident this year should be required to pay their local contributions. Does the Senator still adhere to that view?

Mr. MALONEY. No; I do not adhere to that view; and while the Senator from Missouri is partially correct, I am sure that other members of the committee will remember that, while I did express the thought that it probably would be wise to handle the matter in that way, I qualified my statement and said that I felt that under certain circumstances I should vote differently; and subsequently I did vote differently in the committee.

I quite disagree with the Senator from Missouri, who makes a difference between what is now described as a dramatic flood condition and a chronic flood situation, the latter applicable to the neighborhood in which he lives.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. MALONEY. I yield.

Mr. CLARK. Let me say that that distinction is not mine. The distinction was introduced in the Commerce Committee, as the Senator will well remember, by representatives from areas which have not hitherto in many years been affected by floods. The distinction between the dramatic, unprecedented, unusual floods of this year and the habitual, usual floods of other years is not my distinction. It was introduced in the committee by other Senators than myself and, as a matter of fact, by the Army Engineers themselves.



Mr. MALONEY. Mr. President, I have no desire to prolong the debate with the Senator. I should like merely to emphasize the fact that, in my opinion, the adoption of the pending amendment would spell ruin to flood-control legislation during the present session of the Congress.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. WHEELER], as modified, to the amendment of the committee in the nature of a substitute.

The amendment to the amendment, as modified, was rejected.

Mr. COPELAND. Mr. President, I ask the adoption of the next amendment presented on behalf of the committee.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The LEGISLATIVE CLERK. In the committee amendment, on page 107, beginning with line 15, it is proposed to strike out:

SEC. 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys for flood control at the following-named localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as required by law on any examination, survey, project, or work under way or proposed are submitted, no supplemental or additional report or estimate shall be made unless authorized by law or by resolution of the Committee on Flood Control of the House of Representatives or the Committee on Commerce of the Senate: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway mentioned in this act until the project for the proposed work shall have been adopted by law.

And in lieu thereof to insert:

SEC. 6. The Secretary of War is hereby authorized and directed to cause preliminary examinations and surveys for flood control at the following-named localities, and the Secretary of Agriculture is authorized and directed to cause preliminary examinations and surveys for run-off and water-flow retardation and soil-erosion prevention on the watersheds of such localities; the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes: *Provided*, That no preliminary examination, survey, project, or estimate for new works other than those designated in this or some prior act or joint resolution shall be made: *Provided further*, That after the regular or formal reports made as hereby authorized on any examination, survey, project, or work under way or proposed are submitted to Congress, no supplemental or additional report or estimate shall be made unless authorized by law or by resolution of the Committee on Flood Control of the House of Representatives or the Committee on Commerce of the Senate: *And provided further*, That the Government shall not be deemed to have entered upon any project for the improvement of any waterway mentioned in this act until the project for the proposed work shall have been adopted by law.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment to the amendment.

The LEGISLATIVE CLERK. In the committee amendment on page 115, beginning with line 18, it is proposed to strike out:

SEC. 8. Nothing in this act shall be construed as repealing or amending any provision of the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928, or any provision of any law amendatory thereof.

And in lieu thereof to insert:

SEC. 8. Nothing in this act shall be construed as repealing or amending any provision of the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928, or any provision of any law amendatory thereof. The authority conferred by this act and any funds appropriated pursuant hereto for expenditure are supplemental to all other authority and appropriations relating to the departments or agencies concerned, and nothing in this act shall be construed to limit or retard any department or agency in carrying out similar and related activities heretofore or hereafter authorized, or to limit the exercise of powers conferred on any department or agency by other provisions of law in carrying out similar and related activities.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment to the amendment.

The LEGISLATIVE CLERK. In the committee amendment on page 115, beginning with line 23, it is proposed to strike out:

SEC. 9. The sum of \$315,000,000 is authorized for carrying out the improvements authorized herein and any examinations and surveys provided for in this act and other acts of Congress.

And in lieu thereof to insert:

SEC. 9. The sum of \$310,000,000 is authorized for carrying out the improvements herein and the sum of \$10,000,000 is authorized to be expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in this act and other acts of Congress: *Provided*, That not more than \$50,000,000 of such sum shall be expended during the fiscal year ending June 30, 1937: *Provided further*, That for the relief of unemployment, in addition to the regular appropriation, persons may be employed on such works of improvement and the compensation of said persons when so employed shall be paid from the funds, and available to the Works Progress Administration for the continuance of relief and work relief on useful projects.

The amendment to the amendment was agreed to.

Mr. COPELAND. The next amendment, amendment no. 6, I will be glad to have go over until tomorrow.

There are some amendments with reference to surveys to be added on page 108 and following pages, and, with the exception of those, I have nothing more to add.

Mr. McNARY. Mr. President, I ask that those matters go over until tomorrow.

Mr. COPELAND. I am perfectly willing that that should be done.

Mrs. CARAWAY. Mr. President, I have an amendment which I desire to offer on behalf of myself and my colleague the senior Senator from Arkansas [Mr. ROBINSON]. I send the amendment to the desk and ask to have it read.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 72, after line 7, it is proposed to insert:

From North Little Rock, Ark., to Gillette, Ark., on the north bank of the Arkansas River: Levees to protect agricultural lands and communities; House Document No. 308, Seventy-fourth Congress, first session; estimated cost, \$2,424,400.

Mr. COPELAND. Mr. President, the amendment contemplates the construction of levees on the north bank to the same grade as existing backwater levees on south bank. Their construction would jeopardize south levees, and extensive and valuable territory protected thereby, without compensatory advantages to less valuable area which would be afforded protection. A levee constructed with grade 3 feet lower than the south bank levee would provide protection against all but extreme floods, and is economically justified.

Therefore, with the cost of construction estimated at \$2,424,400, the amendment will be accepted, so far as the committee is concerned.

Mr. McNARY. Mr. President, has the report of the engineers been favorable and has it been filed with the Committee on Commerce?

Mr. COPELAND. It has been.

Mr. McNARY. Why was not the item included in the bill?

Mr. COPELAND. Because, in the first place, it came to us at an estimated cost of \$5,302,800. It was sent back to the Army Engineers, and the Army Engineers during the past week or two have made a restudy, and have given approval to the project at an estimated cost of \$2,424,400.

Mr. ROBINSON. Mr. President, the amendment as now presented constitutes a modification of the original project. The project as originally presented by my colleague and myself was not approved by the engineers, but the proposal was modified to conform to the amendment presented by my colleague and approved by the engineers.

The VICE PRESIDENT. The question is on agreeing to the amendment presented by the junior Senator from Arkansas [Mrs. CARAWAY] to the amendment of the committee in the nature of a substitute.

The amendment to the amendment was agreed to.



Mr. CLARK. Mr. President, I desire to offer an amendment, and I may say I do not know why it has not been printed.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. McNARY. I think there was an understanding that as soon as the Senate disposed of the amendment just offered by the junior Senator from Arkansas a recess would be taken.

Mr. CLARK. I do not wish to interfere with the agreement, but this is an amendment which has been twice adopted by the Committee on Commerce.

Mr. McNARY. Will not the Senator offer it tomorrow at 12 o'clock, when the Senate meets?

Mr. CLARK. If the Senator insists, of course I will have to let it go over.

#### EXECUTIVE SESSION

Mr. ROBINSON. Mr. President, if the Senator from New York is willing to suspend now, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of SAMUEL B. HILL, of Washington, to be a member of the Board of Tax Appeals for a term of 12 years from June 2, 1936.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nominations of several officers for appointment in the Diplomatic and Foreign Service.

He also, from the same committee, reported favorably Executive G, Seventy-fourth Congress, second session, being a supplementary extradition convention between the United States and Denmark, signed at Washington on May 6, 1936, and submitted a report (Exec. Rept. No. 3) thereon.

Mr. HAYDEN (for Mr. McKELLAR), from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The VICE PRESIDENT. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

#### POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask that the nominations of postmasters be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

#### RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 18 minutes p. m.) the Senate took a recess until tomorrow, Thursday, May 21, 1936, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate May 20 (legislative day of May 12), 1936*

#### APPOINTMENT IN THE REGULAR ARMY

TO BE ASSISTANT TO THE QUARTERMASTER GENERAL, WITH THE RANK OF BRIGADIER GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE, WITH RANK FROM AUGUST 1, 1936

Col. Richard Henry Jordan, Quartermaster Corps, vice Brig. Gen. William R. Gibson, assistant to the Quartermaster General, to be retired July 31, 1936.

#### POSTMASTERS

##### ARKANSAS

Fred Smith to be postmaster at Stephens, Ark., in place of W. H. Hogg. Incumbent's commission expired February 5, 1936.

##### CALIFORNIA

Jeremiah P. Shields to be postmaster at Bakersfield, Calif., in place of L. G. Pauly. Incumbent's commission expired March 10, 1936.

Edith Irvin to be postmaster at Clearwater, Calif., in place of J. A. Collins. Incumbent's commission expired January 9, 1936.

Cortez B. Combs to be postmaster at McFarland, Calif., in place of C. D. Richardson. Incumbent's commission expired January 26, 1936.

Clarence N. Hamblet to be postmaster at Oildale, Calif., in place of W. S. Buchner. Incumbent's commission expired March 17, 1936.

Alva Millard Smith to be postmaster at Parker Dam, Calif. Office became Presidential April 1, 1936.

George F. Erwin to be postmaster at Sanitarium, Calif., in place of E. R. Rhymes. Incumbent's commission expired April 27, 1936.

Elizabeth C. Bavier to be postmaster at Truckee, Calif., in place of M. S. Rutherford. Incumbent's commission expired March 29, 1936.

##### COLORADO

Henery C. Showalter to be postmaster at Olathe, Colo., in place of M. H. Foster. Incumbent's commission expired April 27, 1936.

##### DELAWARE

James B. Thompson, Jr., to be postmaster at Clayton, Del., in place of W. B. Cullen. Incumbent's commission expired February 25, 1935.

##### IDAHO

Robert J. Wood to be postmaster at Weiser, Idaho, in place of O. A. West. Incumbent's commission expired January 26, 1936.

##### ILLINOIS

Paul Zimmerman to be postmaster at Earlville, Ill., in place of R. R. Remick. Incumbent's commission expired January 7, 1936.

Wilbur C. Gerke to be postmaster at Edwardsville, Ill., in place of E. M. Tuxhorn. Incumbent's commission expired January 7, 1936.

Albert H. Winter to be postmaster at Highland, Ill., in place of L. M. Stoecklin. Incumbent's commission expires June 1, 1936.

Walter D. Hayes to be postmaster at Minonk, Ill., in place of J. W. Meierhofer. Incumbent's commission expired January 7, 1936.

Joseph L. Langan to be postmaster at Odell, Ill., in place of L. P. Ready. Incumbent's commission expired January 7, 1936.

George S. Thornton to be postmaster at Oquawka, Ill., in place of R. R. Banta. Incumbent's commission expired February 9, 1936.

Mary M. Spurgeon to be postmaster at Prairie City, Ill., in place of A. G. Dunbar. Incumbent's commission expired January 7, 1936.

Charles W. McDonald to be postmaster at Wheaton, Ill., in place of W. W. Renton, retired.

Ralph M. Short to be postmaster at Witt, Ill., in place of H. L. Dean. Incumbent's commission expired April 27, 1936.

##### INDIANA

Jack Dolan to be postmaster at Hartford City, Ind., in place of P. H. Hawthorne. Incumbent's commission expired May 19, 1936.

Fred Porter Rensberger to be postmaster at Lakeville, Ind., in place of D. B. Henderson. Incumbent's commission expired February 5, 1936.

Vance E. Worrell to be postmaster at Orleans, Ind., in place of Oscar Standeford. Incumbent's commission expired April 27, 1936.



Ivan Dale Watson to be postmaster at Russiaville, Ind., in place of G. H. Newby. Incumbent's commission expired April 27, 1936.

## IOWA

Charles J. Cash, Jr., to be postmaster at Anamosa, Iowa, in place of A. L. Remley. Incumbent's commission expired January 12, 1936.

Albert C. Peterson to be postmaster at Corning, Iowa, in place of E. F. McClelland. Incumbent's commission expired January 12, 1936.

Frank Howard Garrett to be postmaster at Council Bluffs, Iowa, in place of F. M. Williams. Incumbent's commission expired January 12, 1936.

John L. McLaughlin to be postmaster at Guthrie Center, Iowa, in place of H. B. Gillespie. Incumbent's commission expired April 12, 1936.

Harold E. Maffett to be postmaster at Murray, Iowa, in place of L. R. Valentine. Incumbent's commission expires June 1, 1936.

John H. Gribben to be postmaster at Newton, Iowa, in place of R. H. Bailey. Incumbent's commission expired January 12, 1936.

Ruth M. Pedersen to be postmaster at Pierson, Iowa, in place of M. E. Barkley. Incumbent's commission expired January 12, 1936.

Charles E. Hudson to be postmaster at Pomeroy, Iowa, in place of F. T. Best. Incumbent's commission expired April 12, 1936.

Henry J. Kelley to be postmaster at Shannon City, Iowa, in place of P. B. Wilson. Incumbent's commission expired March 17, 1936.

Walter L. Hurd to be postmaster at Stanhope, Iowa, in place of E. M. Miller. Incumbent's commission expired January 12, 1936.

George W. Trowbridge to be postmaster at Stuart, Iowa, in place of J. D. Herriott. Incumbent's commission expired January 12, 1936.

Ella M. Hames to be postmaster at Williams, Iowa, in place of R. R. Fear. Incumbent's commission expires June 23, 1936.

## KANSAS

Raymond R. Staab to be postmaster at Satanta, Kans., in place of Bessie Custer. Incumbent's commission expired April 27, 1936.

James P. Kelley to be postmaster at White Cloud, Kans. Office becomes Presidential July 1, 1936.

## LOUISIANA

Jeannette Clarkson to be postmaster at Clarks, La., in place of Jeannette Clarkson. Incumbent's commission expired January 9, 1936.

Eugene Dumez to be postmaster at Houma, La., in place of C. H. Wallis. Incumbent's commission expired April 27, 1936.

Sidney L. Voorhies to be postmaster at Lafayette, La., in place of E. A. O'Brien. Incumbent's commission expired March 10, 1936.

Homer L. Jolley to be postmaster at Morgan City, La., in place of M. P. Palmer. Incumbent's commission expired April 5, 1936.

Jessie M. Murphy to be postmaster at Simsboro, La. Office becomes Presidential July 1, 1936.

## MAINE

William G. Chamberlain to be postmaster at Fort Fairfield, Maine, in place of H. W. Perry. Incumbent's commission expired April 14, 1936.

Bess M. Clark to be postmaster at Milo, Maine, in place of F. G. Thompson. Incumbent's commission expired April 12, 1936.

Harry V. Smith to be postmaster at Springfield, Maine, in place of E. C. Butterfield. Incumbent's commission expired January 22, 1936.

Roy E. Swaney to be postmaster at Vanceboro, Maine, in place of Marjorie Gatcomb. Incumbent's commission expired February 17, 1936.

## MARYLAND

Edgar R. Twilley to be postmaster at East New Market, Md., in place of W. J. Crowe. Incumbent's commission expires June 1, 1936.

Ellwood E. Matthews to be postmaster at Pocomoke City, Md., in place of R. L. Hall. Incumbent's commission expired April 27, 1936.

Elliott W. Marshall to be postmaster at Snow Hill, Md., in place of H. W. Mason. Incumbent's commission expired January 11, 1936.

George R. Bromley to be postmaster at Stockton, Md., in place of W. E. Tull. Incumbent's commission expired January 11, 1936.

## MASSACHUSETTS

John Joseph Mackin, Jr., to be postmaster at Millers Falls, Mass., in place of R. H. Gould. Incumbent's commission expires May 23, 1936.

Raymond L. Soule to be postmaster at West Boylston, Mass., in place of R. L. Soule. Incumbent's commission expires May 23, 1936.

Michael E. Troy to be postmaster at West Stockbridge, Mass., in place of M. A. Fallon. Incumbent's commission expired January 27, 1936.

## MICHIGAN

Regina W. Cleary to be postmaster at Escanaba, Mich., in place of G. G. Geniesse. Incumbent's commission expired March 18, 1934.

## MINNESOTA

Calvin R. Bouvette to be postmaster at Hallock, Minn., in place of Theresa Jondahl. Incumbent's commission expires June 11, 1936.

Cornelius W. Vahle to be postmaster at Tracy, Minn., in place of A. H. Rowland. Incumbent's commission expired February 24, 1936.

Emma C. Nuernberg to be postmaster at Young America, Minn., in place of J. J. Thomas. Incumbent's commission expired April 12, 1936.

## MISSISSIPPI

Fannie L. Lowry to be postmaster at Houston, Miss., in place of W. D. Woods. Incumbent's commission expired January 10, 1935.

## MISSOURI

James G. Skidmore to be postmaster at Barnard, Mo., in place of M. E. Ryan. Incumbent's commission expired April 14, 1936.

Benjamin F. Coleman to be postmaster at Center, Mo., in place of R. D. Gardner. Incumbent's commission expired April 27, 1936.

H. Sam Jones to be postmaster at Senath, Mo., in place of O. H. Storey. Incumbent's commission expired March 29, 1936.

## NEBRASKA

Gotthilf I. Pfeiffer to be postmaster at Arlington, Nebr., in place of H. C. McClellan. Incumbent's commission expired April 12, 1936.

William C. Rhea to be postmaster at Chester, Nebr., in place of C. G. Struble. Incumbent's commission expires May 23, 1936.

Frank J. Srb to be postmaster at Dodge, Nebr., in place of O. A. Steinkraus. Incumbent's commission expires May 23, 1936.

Floyd S. Worthing to be postmaster at Elm Creek, Nebr., in place of E. J. Fitzgerald. Incumbent's commission expired February 24, 1936.

Weaver Jennings Holliday to be postmaster at Stuart, Nebr., in place of M. M. Stuart, resigned.

## NEVADA

Olive V. Corbiere to be postmaster at Sparks, Nev., in place of D. E. Richards. Incumbent's commission expires June 23, 1936.



## NEW HAMPSHIRE

George F. Garneau to be postmaster at Franklin, N. H., in place of C. H. Bean. Incumbent's commission expired February 4, 1935.

Hugh F. Waling to be postmaster at Keene, N. H., in place of B. O. Aldrich. Incumbent's commission expired December 16, 1933.

## NEW JERSEY

Walter K. Bittle to be postmaster at Berlin, N. J., in place of W. M. Matthews. Incumbent's commission expired May 2, 1932.

David A. Skelley to be postmaster at Fort Lee, N. J., in place of W. J. Hart. Incumbent's commission expired February 28, 1933.

Joseph F. Kour to be postmaster at Little Ferry, N. J., in place of Andrew Bauer. Incumbent's commission expired February 9, 1936.

Ethel B. Leisy to be postmaster at Mantua, N. J., in place of W. L. Smith. Incumbent's commission expired January 9, 1936.

John H. Traynor to be postmaster at Westfield, N. J., in place of B. M. Prugh. Incumbent's commission expired May 10, 1936.

## NEW YORK

Henrietta Fairbanks to be postmaster at Bainbridge, N. Y., in place of H. L. Payne. (Removed without prejudice.)

Michael L. Sullivan to be postmaster at Binghamton, N. Y., in place of H. B. Mulford. Incumbent's commission expired February 17, 1936.

Clifford C. Wenzel to be postmaster at Deferiet, N. Y., in place of C. C. Wenzel. Incumbent's commission expired April 29, 1936.

Hannah Pearce to be postmaster at Ocean Beach, N. Y., in place of H. A. Pearce, deceased.

## NORTH CAROLINA

Robert A. Watson, Sr., to be postmaster at Jonesboro, N. C., in place of C. M. Rosser. Incumbent's commission expires June 15, 1936.

Robert Boyd Patterson to be postmaster at Littleton, N. C., in place of J. W. Wood. Incumbent's commission expired April 4, 1936.

John Locke Milholland to be postmaster at Statesville, N. C., in place of C. M. Adams. Incumbent's commission expires July 7, 1936.

## NORTH DAKOTA

Eureka H. McDougall to be postmaster at Cleveland, N. Dak., in place of J. E. Cusator. Incumbent's commission expired February 17, 1936.

Lloyd Lopic to be postmaster at Lankin, N. Dak., in place of C. L. Erickson. Incumbent's commission expired April 27, 1936.

Mary J. Dunbar to be postmaster at Souris, N. Dak., in place of J. G. Acheson. Incumbent's commission expired March 22, 1936. (Removed without prejudice.)

## OHIO

Samuel R. McGuire to be postmaster at Bowerston, Ohio, in place of C. A. Bower. Incumbent's commission expired February 5, 1936.

Marguerite E. Martin to be postmaster at Monroeville, Ohio, in place of E. W. Armstrong. Incumbent's commission expired January 7, 1936.

Aaron G. Shealy to be postmaster at New Washington, Ohio, in place of A. S. Nye. Incumbent's commission expired January 7, 1936.

Loretta H. Duswald to be postmaster at Scio, Ohio, in place of J. A. Downs. Incumbent's commission expired February 5, 1936.

## OKLAHOMA

Lewis B. Rogers to be postmaster at Fort Gibson, Okla., in place of Hubbard Ross. Incumbent's commission expired May 3, 1936.

Howard R. Wynn to be postmaster at Fort Towson, Okla., in place of C. P. Keil. Incumbent's commission expired May 3, 1936.

Hope C. McGinty to be postmaster at Kiefer, Okla., in place of W. H. Jones. Incumbent's commission expired May 3, 1936.

Carlos E. Shepherd to be postmaster at Stigler, Okla., in place of I. J. Trout. Incumbent's commission expired February 1, 1936.

## OREGON

Emil L. Mueller to be postmaster at Clatskanie, Oreg., in place of E. J. Dear. Incumbent's commission expired March 23, 1936.

Eldon A. Rush to be postmaster at Elgin, Oreg., in place of O. C. Maxwell. Incumbent's commission expired January 26, 1936.

Lora C. Coykendall to be postmaster at Oak Grove, Oreg., in place of E. D. Davenport. Incumbent's commission expired January 22, 1936.

Louis Earl Hammer to be postmaster at Tillamook, Oreg., in place of W. C. Foster. Incumbent's commission expired April 27, 1936.

## PENNSYLVANIA

John F. Erdly to be postmaster at Beaver Springs, Pa., in place of M. K. Schambach. Incumbent's commission expires June 28, 1936.

Leslie H. Lockerman to be postmaster at Cheswick, Pa., in place of F. U. Armstrong. Incumbent's commission expired February 10, 1936.

Mary Dessie Blayney to be postmaster at Claysville, Pa., in place of H. O. Campsey. Incumbent's commission expired February 10, 1936.

Harry Tarbotton, Sr., to be postmaster at Darby, Pa., in place of John Standring, deceased.

Ewing D. Miner to be postmaster at Dunbar, Pa., in place of E. D. Scott. Incumbent's commission expired January 5, 1933.

Harry D. Farnen to be postmaster at East Butler, Pa., in place of G. V. Glenn. Incumbent's commission expired February 10, 1936.

William Scott Rinedollar to be postmaster at Everett, Pa., in place of J. C. Chamberlain. Incumbent's commission expired February 24, 1936.

Mildred E. Wagner to be postmaster at Freemansburg, Pa., in place of M. E. Wagner. Incumbent's commission expired May 19, 1936.

Eugene M. Burke to be postmaster at Karns City, Pa., in place of E. P. Corts. Incumbent's commission expired February 20, 1935.

Earle Phillips Robbins to be postmaster at Knoxville, Pa., in place of L. W. Stevens. Incumbent's commission expires June 1, 1936.

Brian W. Kauffman to be postmaster at Middleburg, Pa., in place of M. G. Wetzel. Incumbent's commission expired February 10, 1936.

Arthur O. Shafer to be postmaster at Montoursville, Pa., in place of J. W. Klepper, removed.

Margaret A. Mash to be postmaster at Nanty Glo, Pa., in place of A. J. Cornely, removed.

Robert E. Walley, Sr., to be postmaster at Spring City, Pa., in place of H. E. Rogers. Incumbent's commission expired January 13, 1936.

Randall H. Weaver to be postmaster at Worthington, Pa., in place of R. H. Weaver. Incumbent's commission expired March 17, 1936.

Edgar S. Abel to be postmaster at Wrightsville, Pa., in place of A. L. Smith. Incumbent's commission expired February 27, 1935.

## PUERTO RICO

Adela Delpin to be postmaster at Fajardo, P. R., in place of R. P. Robert. Incumbent's commission expired February 20, 1935.



Irma E. Kryzanowsky to be postmaster at Ponce, P. R., in place of Roque Rodriguez, deceased.

## SOUTH CAROLINA

Wiley W. McTeer, Jr., to be postmaster at Ridgeland, S. C., in place of H. F. Glasser. Incumbent's commission expires June 15, 1936.

## SOUTH DAKOTA

Violet Ellefson to be postmaster at Castlewood, S. Dak., in place of W. W. Sour. Incumbent's commission expired January 26, 1936.

Thomas H. Ryan to be postmaster at Elk Point, S. Dak., in place of J. W. Coverdale. Incumbent's commission expires June 15, 1936.

Lucy I. Wright to be postmaster at Hoven, S. Dak., in place of L. I. Wright. Incumbent's commission expires June 15, 1936.

Ralph H. Lemon to be postmaster at Lake Norden, S. Dak., in place of P. E. Koistinen. Incumbent's commission expired January 25, 1936.

Michael F. McGrath to be postmaster at Morristown, S. Dak., in place of W. R. Amoo. Incumbent's commission expired April 27, 1936.

## TENNESSEE

George N. Fuller to be postmaster at Collegedale, Tenn., in place of W. B. Clark, resigned.

John O. Bennett to be postmaster at Troy, Tenn., in place of R. O. Greene. Incumbent's commission expired January 22, 1935.

## TEXAS

Louise W. Fisher to be postmaster at Burton, Tex., in place of H. D. F. Nienstedt. Incumbent's commission expired April 14, 1936.

Andrew F. Hester to be postmaster at Donna, Tex., in place of F. O. Drake. Incumbent's commission expired April 4, 1936.

Arthur B. Hobbs to be postmaster at Edgewood, Tex., in place of F. C. Elam. Incumbent's commission expired April 14, 1936.

John Richard Folkes to be postmaster at Giddings, Tex., in place of J. P. Hewitt. Incumbent's commission expired January 8, 1936.

Norman Charles Schlemmer to be postmaster at Kyle, Tex., in place of H. C. Wallace. Incumbent's commission expired January 8, 1936.

Andrew B. Johnson to be postmaster at Marlin, Tex., in place of D. R. Emerson. Incumbent's commission expired April 14, 1936.

Rudolph J. Marak to be postmaster at West, Tex., in place of H. M. Fowler. Incumbent's commission expired April 14, 1936.

## UTAH

Ray K. Bohne to be postmaster at Mount Pleasant, Utah, in place of H. C. Jacobs. Incumbent's commission expired January 7, 1936.

## VIRGINIA

S. Thomas Nottingham to be postmaster at Cape Charles, Va., in place of F. C. Fitzhugh. Incumbent's commission expired March 10, 1936.

Archa Vaughan to be postmaster at Floyd, Va., in place of T. T. Weddle. Incumbent's commission expired April 12, 1936.

## WASHINGTON

Clarence E. West to be postmaster at Auburn, Wash., in place of Walbert Tonstad. Incumbent's commission expired January 8, 1936.

William H. Ross to be postmaster at Richmond Highlands, Wash., in place of M. J. Rood. Incumbent's commission expired January 22, 1935.

Daisy M. McDowell to be postmaster at Toledo, Wash., in place of Julia Enger. Incumbent's commission expired April 27, 1936.

## WEST VIRGINIA

Rupert B. Mapel to be postmaster at Farmington, W. Va., in place of Howe Stidger. Incumbent's commission expired February 9, 1936.

Carroll Miller to be postmaster at Gauley Bridge, W. Va., in place of Thelma Taylor. Incumbent's commission expired February 9, 1936.

## WISCONSIN

Frank S. Dhooge to be postmaster at Ashland, Wis., in place of J. C. Chapple. Incumbent's commission expired May 3, 1936.

Leslie E. Sawyer to be postmaster at College Camp, Wis., in place of E. T. Bentsen. Incumbent's commission expired February 25, 1935.

Harold P. Van Buren to be postmaster at Hartland, Wis., in place of W. D. Zeirke. Incumbent's commission expired February 10, 1936.

Charles V. Porter to be postmaster at Menomonie, Wis., in place of E. C. Quilling. Incumbent's commission expired April 12, 1936.

Lawrence E. Astin to be postmaster at Milton Junction, Wis., in place of G. B. Keith, resigned.

John W. Schnettler to be postmaster at St. Nazianz, Wis., in place of C. P. Shea. Incumbent's commission expired February 25, 1935.

William H. Shay to be postmaster at Somerset, Wis., in place of H. J. LaGrandeur. Incumbent's commission expired February 10, 1936.

Julius G. Behm to be postmaster at Woodville, Wis., in place of H. C. Gralow. Incumbent's commission expired March 29, 1936.

## WYOMING

Hazel E. Moore to be postmaster at Edgerton, Wyo., in place of E. L. Murphy. Incumbent's commission expired April 27, 1936.

Francis R. Peck to be postmaster at Glenrock, Wyo., in place of F. W. Smith. Incumbent's commission expired March 10, 1936.

George W. Nance to be postmaster at Midwest, Wyo., in place of A. V. Lancaster. Incumbent's commission expired December 16, 1933.

Daniel D. Spani to be postmaster at Rock Springs, Wyo., in place of J. A. Stafford. Incumbent's commission expired March 10, 1936.

Bertha I. Frolander to be postmaster at Sundance, Wyo., in place of H. C. Hurtt. Incumbent's commission expired January 9, 1936.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate May 20  
(legislative day of May 12), 1936*

## POSTMASTERS

## ALASKA

Mrs. Owen E. Meals, Valdez.

## NEW YORK

Kingsley D. Maloy, Clyde.  
Henry A. Stecking, East Northport.  
Sarah K. Gibbs, Glenfield.  
William C. McRorie, Milford.  
Kittie M. Lundergun, North Rose.  
John V. Lynch, Pearl River.  
Emma J. Claffey, Port Leyden.  
William A. Flanagan, Seneca Falls.  
Amy B. Earley, Speculator.  
Edward J. Fitzgerald, Troy.  
Mabel E. Fausette, Trumansburg.  
Howard Bell, Woodstock.  
George M. Allen, Worcester.  
Mary Scesny, Yaphank.

## VERMONT

Thomas H. Barry, Waterbury.